

IN THE MATTER OF THE * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
FOR SPECIAL EXCEPTION AND *
VARIANCE ON PROPERTY LOCATED * OF
ON THE EAST SIDE FALLS ROAD, * BALTIMORE COUNTY
540' NORTH OF CENTERLINE *
LAKESIDE DRIVE (FALLS ROAD * CASE NO. 91-278-XA
RAIL PASSENGER STATION) *
9TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT *

ORDER

Upon the stipulation of facts and agreement of the parties herein, which is incorporated by reference, the findings of fact, conclusions of law, and orders for relief as adopted by the Zoning Commissioner in the matter in Case No. 91-278-XA, as modified by said stipulation and agreement, are ADOPTED AND ORDERED by the County Board of Appeals of Baltimore County this 2nd day of October, 1991.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William Clark
C. William Clark

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

In re -
MARYLAND MASS TRANSIT ADMINISTRATION *
E/S Falls Rd. 540' N of c/l *
Lakeside Drive (Falls Rd. *
Rail Passenger Station) *
9th Election District *
COUNCILMANIC DISTRICT *
SE Falls Road Rail Passenger *
Station use area located in *
D.R.5.5. & 0-1 zones. *
VAR-Setbacks *
3/12/91 -Z.C.'s Order *
Granting Petitions with *
restrictions. *
OF
RUXTON-RIDERWOOD-LAKE ROLAND *
AREA IMPR. ASSOC. AND *
BENJAMIN BROOKHART *
Appellants/Protestants *
BALTIMORE COUNTY
Case No. 91-278-XA

STIPULATION OF FACTS AND AGREEMENT

Appellants/Protestants, the Ruxton-Riderwood-Lake Roland Area Improvement Association and Benjamin Brookhart, and Appellee, Maryland Mass Transit Administration, stipulate and agree as follows:

1. The findings of fact and conclusions of law as contained in the decision of the Zoning Commissioner of Baltimore County in case No. 91-278-XA dated March 12, 1991 regarding the within matter as amended by the restrictions outlined below are true and appropriate findings for adoption by the County Board of Appeals of Baltimore County in the within matter.
2. The relief ordered by the Zoning Commissioner and the restrictions and conditions appurtenant thereto, as modified below, constitute appropriate relief to be granted in the within matter and the parties consent to an order granting such relief.

3. The restrictions outlined by the Zoning Commissioner in the above stated decision as contained in paragraph No.3 thereof are modified and amended to read as follows:

The Petitioner/ Appellee shall prepare a landscape plan to be approved by the deputy director of the Office of Planning and Zoning and the Baltimore County landscape planner. The landscape plan shall include the vegetative buffer/pedestrian barrier along the Railroad Ave property line. It shall include plans for an 8 foot high wooden board fence approximately 500 feet in length. The beginning point of the fence shall be approximately at light rail station NE358 and continue to station NE362+92. The fence shall be located between the present paved portion of Railroad Avenue and the location of light rail facilities. The precise location of the fence to be agreed upon by the parties. The design, width, and composition of additional vegetation should be developed in conjunction with the Landscape Planner and Deputy Director. Said plan should be submitted to the County Board of Appeals of Baltimore County for final approval within 45 days of the execution by the Board of an order pursuant to this stipulation and agreement.

Date: *Sept. 9, 1991*

Benjamin Brookhart
Benjamin Brookhart

RUXTON-RIDERWOOD-LAKE ROLAND
IMPROVEMENT ASSOCIATION

Date: *Sept. 27, 1991*

BY: *Dancy Whit*
President

MASS TRANSIT ADMINISTRATION

Date: *9/30/91*

BY: *Irwin Brown*
Irwin Brown, Chief Counsel

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
E/S Falls Road, 540 ft. of c/l *
of Lakeside Drive * OF BALTIMORE COUNTY
Falls Rd. Rail Passenger Station *
9th Election District * CASE # 91-278-XA
4th Councilmanic District *
Maryland Mass Transit Admin. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Exception and Baltimore County Council Bill #91-90, permission to construct the Falls Road Passenger Station on the subject site, and a Petition for Zoning Variance from Sections 204.4.A, 1802.2.B (V.R.2.,CNDP) to permit at the Falls Road Rail Station a 7 ft. rear yard setback for the southbound highblock (ramp) and an 8 ft. rear yard setback for the shelter in lieu of the required 30 ft. setback in the 0-1 zone; a Zoning Variance from Sections 255.2, 243.1 to permit a 45 ft. front yard setback for the northbound highblock (ramp) in lieu of the required 75 ft. setback in the M.L. zone, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Kenneth Goon, appeared, testified and was represented by Irwin Brown, Esquire. Appearing and testifying as a Protes- tant, and represented by William Hesson, Esquire, was Louise Hildreth, President of the Ruxton-Riderwood-Lake Roland Improvement Association. Also appearing and testifying as Protestants were Messrs. Benjamin Brookhart, Emil Budnitz, Jr., and Mrs. Sarah F. Lord. There were numerous other Protestants as evidenced by the Protestants Sign-in Sheet.

Testimony indicated that the subject property site known as the Falls Road Rail Passenger Station and Transit Facility is located on the east side of Old Falls Road abutting the Mass Transit Administration's right-of-way, as indicated on Petitioner's Exhibit No. 1.

ORDER RECEIVED FOR FILING
Date *9/28/91*
By *Th. J. Mark*

Mr. Kenneth Goon, Director of Planning for the Maryland Mass Transit Administration, indicated that the subject station will be one of twenty-five stations along the line, this one serving the general community along the Falls Road corridor. He testified regarding the desirability of locating a station that will strategically service both the residential and business communities of this area. Mr. Goon testified that the proposed parking lot containing seventy five parking spaces will be, in his opinion, more than adequate to handle the "Park and Ride" commuter. However, Mr. Goon indicated that the parking area would be expanded if additional parking were needed. Mr. Goon testified regarding the need for the requested variances to accommodate the "highblocks". Mr. Goon indicated that "highblocks" permit handicapped individuals to board and alight the train without having to negotiate steps. Mr. Goon testified that there was no discernible way in which to incorporate the "highblocks" into the subject station without the requested variance relief. He also indicated that the Petitioner had experienced a similar problem with the subject shelter which requires an 8 ft. rear yard setback in lieu of the required 30 ft.

Mrs. Louise Hildreth testified as a Protester in her capacity as President of the Ruxton-Riderwood-Lake Roland Improvement Association. She indicated her concern regarding "commercial encroachment" into her community that the rail station presents and the negative impact the station will have on traffic congestion in the area.

Mr. Emil Budnitz, Jr., indicated that, although he was in favor of the proposed light rail station, he was concerned that passengers of the light rail may be inclined to use his parking lots which are located on the opposite side of the subject right-of-way from the proposed station. Mr. Budnitz also indicated that he would like to see, for safety reasons, a

sidewalk over the Falls Road bridge and the subject "at grade crossing" closed.

Mrs. Sarah Lord testified, in her capacity as Zoning Chairman of the Ruxton-Riderwood-Lake Roland Improvement Association, and cited the following areas of concern regarding the proposed station in which she believes will negatively impact this community; i.e., the proposed parking lot, increased traffic congestion, noise, and the undesirable diffusion of light onto residential properties. She testified that she was also concerned that vibration caused by the trains may damage the many historical structures located in close proximity to the station. Additionally, she indicated her opposition to the "at-grade crossing" currently proposed for pedestrian traffic.

Mr. Benjamin Brookhart, indicated that his property is located to the north of the subject station on the opposite side of the subject right-of-way. Mr. Brookhart testified that he has lived on this property for 45 years and has enjoyed very quiet residential living during this time. He testified that he was concerned with the negative impact that he foresees the proposed station will have on his property, specifically, but not limited to, the diffusion of light, riders of the train parking on his access road (Railroad Avenue) and people trespassing on his property.

The Protestants have voiced real concerns regarding the proposed station and the light rail line in general which have been expressed in detail by the community representatives. However, the issue regarding the appropriateness of the light rail system as a whole is an issue not before the Zoning Commissioner. The Protestants explained in great detail why they believe a Falls Road Station at the proposed location would be adverse to their community. They believe the train station will intensify existing

traffic problems and disturb the quiet enjoyment of the homes near the station. However, on considering the appropriateness of a special exception use, the hearing officer's scope of review is narrowly tailored. The issue in the Special Exception is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse affect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court stated in *Schultz* that,

"... the (Petitioner) does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. . . ." (at p. 1325)

There was no evidence produced at the hearing that showed the proposed station would have any adverse affect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Schultz*, supra.

It is clear that a rail line has been in this location for at least the past 50 years. The Baltimore County Council has affirmatively ruled (Bill #91-90) that such light rail stations are part of a light rail system which is permitted in this zone. The Zoning Commissioner understands the concerns and apprehensions of the Protestants, but the issues to be decided relative to the special exception request are ones of law. The concerns presented by the Protestants are concerns not unlike those that

would arise in any residential zone where a light rail station might be placed. However, as the Court states in *Schultz*,

"... if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at p. 1325)

The Protestants also expressed concern regarding the left hand turn lane which is proposed to access the facility. The Protestants expressed their concern that the proposed turning lane would create a bottleneck on the future Falls Road bridge (See Petitioner's Exhibit No. 8). However, the Baltimore County Zoning Plans Advisory Committee (ZAC) which includes review by the Bureau of Traffic Engineering, offered no comment regarding this matter. As no expert testimony was presented at the hearing regarding this matter, the Zoning Commissioner must rely on the expertise of those county agencies charged with such review.

The Protestants also expressed concern regarding the requested variance relief which is necessitated as a result of the narrow width of the subject railroad right-of-way where the station must be placed. Mitigation of Protestants concerns can be best accomplished by affirmative action on the part of the Petitioner by creating a vegetative buffer/pedestrian barrier (in the nature of vegetative barriers, raised planters and vertical evergreen growing stock), roughly along the Railroad Avenue property line. The barrier should be constructed in such a manner so as to impede, if not eliminate, trespassing on private property. The barrier should begin at a point 25 ft. south of the access sidewalk and continue to a point even with the artificial vehicular barrier to be constructed for the purpose of blocking vehicular traffic from using Old

ORDER RECEIVED FOR FILING
Date *9/28/91*
By *Th. J. Mark*

ORDER RECEIVED FOR FILING
Date *9/28/91*
By *Th. J. Mark*

ORDER RECEIVED FOR FILING
Date *9/28/91*
By *Th. J. Mark*

276

ZONING DESCRIPTION
BALTIMORE COUNTY
FALLS ROAD RAIL PASSENGER
STATION AND TRANSIT FACILITY

TAX MAP 79, GRID 3, PARCEL 333
AND PART MTA CLRL R/W
(PAGE 1 OF 3)

91-278-XA

BEGINNING for the same at a point on the centerline of Old Falls Road, variable width where said centerline meets MTA's southeasterly right-of-way line, formerly Consolidated Rail Corporation's southeasterly right-of-way line.

THENCE the following bearings and distances as referred to the true meridian as adopted by the MTA, "The Maryland State Plane Coordinate System," as defined by 1983 North American Datum.

- 1) Along MTA's southeasterly right-of-way line by the arc of a circle, curving to the right, having a radius of 1718.37 feet, a chord bearing of North 46° 28' 42" East, a chord length of 230.90 feet, and an arc distance of 231.07 feet to a point;
- 2) Thence leaving MTA's southeasterly right-of-way line by a line, not tangent to the preceding arc, bearing North 39° 40' 10" West, for a distance of 66.00 feet to a point on the MTA's northwesterly right-of-way line;
- 3) Thence along the MTA's northwesterly right-of-way line the following four bearings and distances, by the arc of a circle, not tangent to the preceding line, curving to the right, having a radius of 1784.37 feet, a chord bearing of North 50° 39' 52" East, a chord length of 20.77 feet to a point;
- 4) Thence by a line, tangent to the preceding arc, bearing North 50° 59' 51" East, for a distance of 160.54 feet to a point;

ZONING DESCRIPTION
BALTIMORE COUNTY
FALLS ROAD RAIL PASSENGER
STATION AND TRANSIT FACILITY

TAX MAP 79, GRID 3, PARCEL 333
AND PART MTA CLRL R/W
(PAGE 2 OF 3)

91-278-XA

- 5) Thence by the arc of a circle, tangent to the preceding line, curving to the right, having a radius of 5769.08 feet, a chord bearing of North 52° 31' 20" East, a chord length of 307.07 feet, and an arc distance of 307.10 feet to a point;
- 6) Thence by a line, tangent to the preceding arc, bearing North 54° 02' 51" East, for a distance of 84.49 feet to a point;
- 7) Thence leaving MTA's northwesterly right-of-way line by a line bearing South 29° 16' 32" East, for a distance of 66.45 feet to a point on the MTA's southeasterly right-of-way line;
- 8) Thence leaving the MTA's southeasterly right-of-way line by a line bearing South 25° 16' 32" East, 445.11 feet to a point in or near the center of Jones Falls;
- 9) Thence in or near the bed of Jones Falls the following two bearings and distances:
South 54° 05' 40" West, 100.00 feet to a point;
- 10) Thence South 67° 55' 45" West, 758.40 feet to a point on the centerline of Old Falls Road;
- 11) Thence along the centerline of Old Falls Road North 10° 59' 16" West, 233.67 feet to the place of beginning.

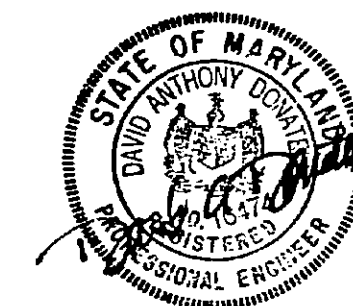
CONTAINING in all 7.492 acres more or less.

ZONING DESCRIPTION
BALTIMORE COUNTY
FALLS ROAD RAIL PASSENGER
STATION AND TRANSIT FACILITY

TAX MAP 79, GRID 3, PARCEL 333
AND PART MTA CLRL R/W
(PAGE 3 OF 3)

Subject to the following:

- 24 foot permanent access easement, as shown on Central Light Rail Line Construction Contract No CL32.
- DWG CC-140-00
- 10 foot right-of-way for sanitary sewer recorded in Baltimore County Plat Book No GLB 18/136
- Variable utility easement as shown on Baltimore County Bureau of Land Acquisition Plan and Construction Plan 73-049
- The right-of-way of Old Falls Road



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-278-XA

District: 2
Date of Posting: January 22, 1991
Posted for: Maryland Mass Transit Authority
Petitioner: Maryland Mass Transit Authority
Location of property: 540' N of c/l Lakeside Drive
5th Election District - 4th Councilmanic
Location of Sign: ups of Railroad Avenue on front of subject property
Remarks: See map
Posted by: J. Robert Haines Date of return: February 1, 1991
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-6-91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-31-1991.

TOWSON TIMES,

S. Zake Olson
Publisher

\$ 106.77

CERTIFICATE OF PUBLICATION

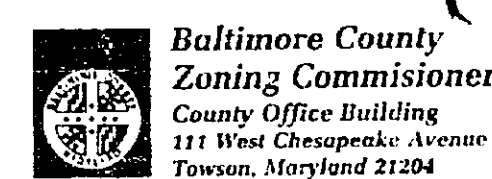
TOWSON, MD., 2-6-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-31-1991.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

\$ 106.77

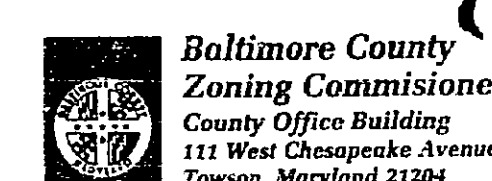


Account: R-001-6150
Number

Date	QTY	PRICE
1/27/91	1	\$156.77
2/6/91	1	\$156.77
2/13/91	1	\$156.77
2/20/91	1	\$156.77
2/27/91	1	\$156.77
3/6/91	1	\$156.77
3/13/91	1	\$156.77
3/20/91	1	\$156.77
3/27/91	1	\$156.77
4/3/91	1	\$156.77
4/10/91	1	\$156.77
4/17/91	1	\$156.77
4/24/91	1	\$156.77
5/1/91	1	\$156.77
5/8/91	1	\$156.77
5/15/91	1	\$156.77
5/22/91	1	\$156.77
5/29/91	1	\$156.77
6/5/91	1	\$156.77
6/12/91	1	\$156.77
6/19/91	1	\$156.77
6/26/91	1	\$156.77
7/3/91	1	\$156.77
7/10/91	1	\$156.77
7/17/91	1	\$156.77
7/24/91	1	\$156.77
7/31/91	1	\$156.77
8/7/91	1	\$156.77
8/14/91	1	\$156.77
8/21/91	1	\$156.77
8/28/91	1	\$156.77
9/4/91	1	\$156.77
9/11/91	1	\$156.77
9/18/91	1	\$156.77
9/25/91	1	\$156.77
10/2/91	1	\$156.77
10/9/91	1	\$156.77
10/16/91	1	\$156.77
10/23/91	1	\$156.77
10/30/91	1	\$156.77
11/6/91	1	\$156.77
11/13/91	1	\$156.77
11/20/91	1	\$156.77
11/27/91	1	\$156.77
12/4/91	1	\$156.77
12/11/91	1	\$156.77
12/18/91	1	\$156.77
12/25/91	1	\$156.77

Please Make Checks Payable To: Baltimore County
CASH RECEIVED: \$156.77
1/27/91

Cashier Validation



Account: R-001-6150
Number

Date	QTY	PRICE
1/27/91	1	\$156.77
2/6/91	1	\$156.77
2/13/91	1	\$156.77
2/20/91	1	\$156.77
2/27/91	1	\$156.77
3/6/91	1	\$156.77
3/13/91	1	\$156.77
3/20/91	1	\$156.77
3/27/91	1	\$156.77
4/3/91	1	\$156.77
4/10/91	1	\$156.77
4/17/91	1	\$156.77
4/24/91	1	\$156.77
5/1/91	1	\$156.77
5/8/91	1	\$156.77
5/15/91	1	\$156.77
5/22/91	1	\$156.77
5/29/91	1	\$156.77
6/5/91	1	\$156.77
6/12/91	1	\$156.77
6/19/91	1	\$156.77
6/26/91	1	\$156.77
7/3/91	1	\$156.77
7/10/91	1	\$156.77
7/17/91	1	\$156.77
7/24/91	1	\$156.77
7/31/91	1	\$156.77
8/7/91	1	\$156.77
8/14/91	1	\$156.77
8/21/91	1	\$156.77
8/28/91	1	\$156.77
9/4/91	1	\$156.77
9/11/91	1	\$156.77
9/18/91	1	\$156.77
9/25/91	1	\$156.77
10/2/91	1	\$156.77
10/9/91	1	\$156.77
10/16/91	1	\$156.77
10/23/91	1	\$156.77
10/30/91	1	\$156.77
11/6/91	1	\$156.77
11/13/91	1	\$156.77
11/20/91	1	\$156.77
11/27/91	1	\$156.77
12/4/91	1	\$156.77
12/11/91	1	\$156.77
12/18/91	1	\$156.77
12/25/91	1	\$156.77

Please Make Checks Payable To: Baltimore County
CASH RECEIVED: \$156.77
1/27/91

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

DATE: 2/12/91

Mass Transit Administration
300 N. Lexington Street
Baltimore, Maryland 21201-3415

RE:
Case Number: 91-278-XA
2/5 Falls Road, 540' N of c/l Lakeside Drive
Falls Road Rail Passenger Station and Transit Facility
5th Election District - 4th Councilmanic
Petitioner(s): Maryland Mass Transit Administration
HEARING: WEDNESDAY, FEBRUARY 27, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 156.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland, bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

January 18, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-278-XA
2/5 Falls Road, 540' N of c/l Lakeside Drive
Falls Road Rail Passenger Station and Transit Facility
5th Election District - 4th Councilmanic
Petitioner(s): Maryland Mass Transit Administration
HEARING: WEDNESDAY, FEBRUARY 27, 1991 at 10:00 a.m.

Special Exception for the Falls Road Rail Passenger Station use area located in the D.R.-5.5 and O-1 zones.
Variance to permit a 7 foot rear yard setback for the southbound highblock (ramp) and an 8 foot rear yard setback for the abelter in lieu of the required 30 foot setback in the O-1 zone; to permit a 45 foot front yard setback for the northbound highblock (ramp) in lieu of the required 75 foot setback in the M.L. zone.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mass Transit Administration
(Irvin Brown, Esq./Christine A. Wells)

File

Hearing Room -
Room 301, County Office Bldg.
May 1, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-278-XA
MARYLAND MASS TRANSIT ADMINISTRATION
E/S Falls Rd., 540' W of c/l Lakeside Drive (Falls Rd. Rail Passenger Station)
9th Election District
4th Councilmanic District

SE-Falls Road Rail Passenger Station use area located in D.R.5.5 & 0-1 zones.
VAR-Setbacks

3/12/91 -Z.C.'s Order GRANTING Petitions with restrictions.

ASSIGNED FOR: FRIDAY, MAY 17, 1991 AT 12:00 NOON

cc: Ms. Sarah F. Lord Appellant/Protestant
Ruxton-Riderwood-Lake Roland Area Impr. Assoc.
William Hesson, Esquire
Kenneth Goon
Maryland Mass Transit Administration Petitioner
Irwin Brown, Esquire Counsel for Petitioner
Ms. Louise Hildreth, Pres.
Ruxton-Riderwood-Lake Roland Impr. Assoc.
Mr. Benjamin Brookhart
Emil Budnitz, Jr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney
LindaLee M. Kuszmaul
Legal Secretary

Hearing Room -
Room 301, County Office Bldg.
May 1, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-278-XA
MARYLAND MASS TRANSIT ADMINISTRATION
E/S Falls Rd., 540' W of c/l Lakeside Drive (Falls Rd. Rail Passenger Station)
9th Election District
4th Councilmanic District

SE-Falls Road Rail Passenger Station use area located in D.R.5.5 & 0-1 zones.
VAR-Setbacks

3/12/91 -Z.C.'s Order GRANTING Petitions with restrictions.

ASSIGNED FOR: FRIDAY, MAY 17, 1991 AT 12:00 NOON

cc: Ms. Sarah F. Lord Appellant/Protestant
Ruxton-Riderwood-Lake Roland Area Impr. Assoc.
William Hesson, Esquire
Kenneth Goon
Maryland Mass Transit Administration Petitioner
Irwin Brown, Esquire Counsel for Petitioner
Ms. Louise Hildreth, Pres.
Ruxton-Riderwood-Lake Roland Impr. Assoc.
Mr. Benjamin Brookhart
Emil Budnitz, Jr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney
LindaLee M. Kuszmaul
Legal Secretary

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 11, 1991

Irwin Brown, Esquire
300 W. Lexington Street
Baltimore, MD 21201

RE: Item No. 276, Case No. 91-278-XA
Petitioner: M.T.A., et al
Petition for Zoning Variance and
Special Exception

Dear Mr. Brown:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Christine A. Wells
Mass Transit Administration
300 W. Lexington Street
Baltimore, MD 21201-3415

Feb 27 B&H.
91-278-XA

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

February 19, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item 276
Property Owner:

Existing Zoning:
Proposed Zoning:

Area:
District:

Z.A.C. 1/22/91
Maryland Mass Transit Adm.
E/S Falls Road, 540' N. of
Lakeside Drive
D.R.-5.5 and 01 zones
Special Exception for Rail
Passenger Station
7.492 acres
9th Election District
4th Councilmanic District

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,

Michael S. Planigan
Traffic Engineer Associate II

MSF/lab

received
3/7/91

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
23rd day of January, 1991.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: M.T.A., et al
Petitioner's Attorney: Irwin Brown

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 25, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Maryland Mass Transit Administration, Item No. 276

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM276/ZAC1

received
1/22/91

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 18, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MARYLAND MASS TRANSIT ADMINISTRATION
Location: FALLS ROAD RAIL PASSENGER STATION
AND TRANSIT FACILITY
Item No.: 276 Zoning Agenda: JANUARY 22, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 23, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 266, 270, and 274.

For Items 268, 275, 276 and 277, the previous County Review Group Comments are still applicable.

For Item 272, the driveway location shown would require the relocation of Pole #140031. Also, an extension of the public sanitary sewer in Ellinwood Road or Hazelwood Avenue may be required to serve this property.

Robert W. Bowling, P.E.
Chief
Developers Engineering Division

RWB:s

MARCH 27, 1991

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, ON BEHALF OF
MR. AND MRS. BENJAMIN BROOKHART AND
OTHER AFFECTED RESIDENTS, HEREBY FILES
FOR APPEAL IN CASE 91-278-XA.

Sarah F. Lord

RRLR Area Improvement Association
Zoning Chairman

(Lord) 6219 Falls Road
Baltimore, Md. 21209
828-4355

(Brookhart) 4 Railroad Avenue
Baltimore Md. 21209

(RRLR) P.O. Box 204 Riderwood, Md. 21139

(Petitioner) Maryland Mass Transit Administration
300 W. Lexington Street
Baltimore Md. 21201-3415

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

April 24, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
E/S Falls Road, 540 ft. of c/l of Lakeside Drive
Falls Road Rail Passenger Station
9th Election District, 4th Councilmanic District
MARYLAND MASS TRANSIT ADMIN. - Petitioner
Case No. 91-278-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on March 27, 1991 by Sarah F. Lord, Protestant
on behalf of the Ruxton-Riderwood-Lake Roland Area Improvement
Association. All materials relative to the case are being forwarded
herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Kenneth Goon - Maryland Mass Transit Administration
300 W. Lexington Street, Baltimore, MD 21201-3415

Irwin Brown, Esquire, 300 W. Lexington Street, Baltimore, MD 21201

William Hesson, Esquire
210 W. Pennsylvania Avenue, Towson, MD 21204

Appeal Cover Letter - Case No. 91-278-XA
Re: Maryland Mass Transit Administration
April 23, 1991
Page 2

Louise Hildreth, President
Ruxton-Riderwood-Lake Roland Improvement Association
912 Rolandvue Road, Towson, MD 21204

Benjamin Brookhart, 4 Railroad Avenue, Baltimore, MD 21209

Emil Budnitz, Jr., 6115 Falls Road, Baltimore, MD 21209

Sarah F. Lord, 6219 Falls Road, Baltimore, MD 21209

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Exception and Zoning Variance
E/S Falls Road, 540 ft. of c/l of Lakeside Drive
Falls Road Rail Passenger Station
9th Election District - 4th Councilmanic District
MARYLAND MASS TRANSIT ADMIN. - Petitioner
Case No. 91-278-XA

Petition for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. - 7. - Plan to accompany Zoning Petitions
(7 Sheets)

8. Drawing of access routes to the station

9. Drawing showing dimensions of platforms
and trackway

Protestant's Exhibits: 1. Ten (10) photographs of the railway

Zoning Commissioner's Order dated March 12, 1991 (Granted with
restrictions)

Notice of Appeal received March 27, 1991 from Sarah F. Lord,
Protestant on behalf of the Ruxton-Riderwood-Lake Roland Area
Improvement Association

cc: Kenneth Goon - Maryland Mass Transit Administration
300 W. Lexington Street, Baltimore, MD 21201-3415

Irwin Brown, Esquire, 300 W. Lexington Street, Baltimore, MD 21201

William Hesson, Esquire
210 W. Pennsylvania Avenue, Towson, MD 21204

Louise Hildreth, President
Ruxton-Riderwood-Lake Roland Improvement Association
912 Rolandvue Road, Towson, MD 21204

Benjamin Brookhart, 4 Railroad Avenue, Baltimore, MD 21209

Emil Budnitz, Jr., 6115 Falls Road, Baltimore, MD 21209

Sarah F. Lord, 6219 Falls Road, Baltimore, MD 21209

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Appeal Checklist - Case No. 91-278-XA
RE: Maryland Mass Transit Administration
April 23, 1991
Page 2

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nantawick, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 16, 1991

Irwin Brown, Chief Counsel
Maryland Transit Administration
300 W. Lexington Street
Baltimore, MD 21201-3415

RE: Case No. 91-278-XA
Maryland Mass Transit Admin.

Dear Brown:

The Board is in receipt of your letter of October 10 which
submitted to this Board a copy of the Falls Road station landscape
and fence plan as approved by the Deputy Director and the Landscape
Planner of the Office of Planning & Zoning.

Please be advised that this meets with the approval of this
Board in compliance with the Board's Order dated October 2, 1991.
The above-referenced plan will be included as part of the file and,
upon closing of same, will be forwarded to the Zoning Office.

Sincerely,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

encl.

cc: Ms. Nancy W. Horst
Mr. Benjamin Brookhart
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED
OCT 22 1991
ZONING OFFICE

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering
401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-3784

February 19, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item 276
Property Owner:

Existing Zoning:
Proposed Zoning:

Area:
District:

Z.A.C. 1/22/91
Maryland Mass Transit Adm.
E/S Falls Road, 540' N. of
Lakeside Drive
D.R.-5.5 and 01 zones
Special Exception for Rail
Passenger Station
7.492 acres
9th Election District
4th Councilmanic District

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

received
3/7/91

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

May 17, 1991

Ms. Sarah Lord
President
The Falls Road Scenic Route Group
6219 Falls Road
Baltimore, Maryland 21209

RE: Petition for Special Exception and Zoning Variance
Case No. 91-278-XA
Falls Road Passenger Station
Maryland Mass Transit Administration - Petitioner

Dear Ms. Lord:

I am in receipt of your May 13, 1991 letter concerning the above cap-
tioned matter that is on appeal to the Baltimore County Board of Appeals. I
have taken the liberty of forwarding your letter to Mr. William Hackett,
Chairman of the Baltimore County Board of Appeals with a copy of this letter.

The issue that you have raised concerning the 45 day requirement in-
volves the jurisdiction of the Board of Appeals, and it is my opinion that
the Baltimore County Zoning Commissioner has no right to interfere in this
matter any further.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: William T. Hackett, Chairman
Baltimore County Board of Appeals

90-8-12 02 JAN 16

4/29/91

RE: Case No. 91-278-XA /Maryland Mass Transit Admin.

Appeal from decision rendered by Zoning Commissioner regarding Falls Road Rail Station --

Pursuant to Bill #91-90, the Board is to schedule appeals from Zoning Commissioner's decision within 45 days of the date on which the appeal was taken.

RE the subject matter -appealed 3/27/91; therefore, would have to be scheduled for hearing by 5/10/91.

File was received by this office from Zoning on 4/25/91 (last Thursday).

Telephone call received this date from Christine Wells (333-2875) with the MTA Planning Department, inquiring after date for appeal hearing (she also just received her notification of appeal this date).

I told her we would review the docket and that I would get back to her sometime on Tuesday 4/30/91.

See attached file and copy of pertinent legislation.

KATH

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session, 1990, Legislative Day No. 10

Bill No. 91-90

By C. A. Dutch Rupperschneider, III, Chairman
By Request of County Executive

By the County Council, May 21, 1990

A BILL
ENITLED

AN ACT concerning

Public Hearings for Transit Facilities
Zoning Regulations - Transit Facilities

FOR the purpose of amending the Zoning Regulations and the County Code in order to define Transit Facilities, rail passenger station, transit storage and repair yard, transit center and bus terminal, to permit transit facilities in all zones, transit centers in Business Major and Business, Roadside zones and in manufacturing zones, to permit transit storage and repair yards in manufacturing zones, to permit rail passenger stations in residential zones by special exception and to permit rail passenger stations in business and manufacturing zones and by special exception in residential zones, and providing for certain other requirements for Transit Facilities

BY adding

Section 101, alphabetically, the definitions of "transit facilities"; "rail passenger station"; "transit storage and repair yard"; "transit center"; "bus terminal"; Section 102, Baltimore County Zoning Regulations, as amended; Section 103, alphabetically, the definitions of "bus terminal"; "rail passenger station"; "transit center"; "transit facility"; "transit storage and repair yard"; and Section 104, Baltimore County Zoning Regulations, as amended

Section 22-26(d)

Title "Planning, Zoning & Subdivision Control"

Baltimore County Code, 1986, 1987 Cumulative Supplement

By Repealing and adding, with amendments:

Section 22-26(d), Baltimore County Code, 1986, 1987 Cumulative Supplement, as amended

WHEREAS, the Baltimore County Council recognizes that public transportation facilities are essential to alleviate traffic congestion, increase labor force accessibility, promote air quality and the efficient use of resources in Baltimore County; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
Underlined indicates matter deleted from existing law.
Strike out indicates matter stricken from bill.
Underlining indicates amendments to bill.

May 15, 1991

re: Case No. 91-278-XA /Maryland Mass Transit Administration (Light Rail Station)

Notes re attached letter from Sarah Lord regarding Light Rail zoning appeal set for Friday, May 17, 1991 --

COMMENT: Most of Ms. Lord's letter refers to a proposed fence to be built along the Brookharts' property line and the fact that were the State to agree to this fence as detailed within the attached, the appeal would be dismissed.

The first paragraph of her letter deals with the required time limit on the appeal hearing scheduled before the Board. See the following comments.

Bill 91-90 /Public Hearings for Transit Facilities

Per paragraph 1:

Section 22-26(d)(4) states:

The Board of Appeals shall schedule a public hearing for a date not more than forty-five (45) days after such notice of appeal is received by the Zoning Commissioner. The Board shall issue its decision within fifteen (15) days after the conclusion of its public hearing. There shall be appropriate notice of the date, time and location of the public hearing and posting of the property at issue as otherwise provided in the charter, law and the Board's own Rules of Procedure.

While the appeal was filed in Zoning on March 27, it was not received by the Board until April 25, 1991. In order to give ample time for notification of the hearing to all interested parties, to properly post the property, and also find a date on the Board's heavily-set docket, it was necessary to go beyond the required time as permitted by the last sentence as stated above. (We are about one week beyond the 45-day period.)

Hearing scheduled for Friday, May 17, 1991 at 12:00 noon.

KATH

The Falls Road Scenic Route Group

Residences and Businesses sharing the Falls Road as it enters Baltimore County

13 May, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
E/S Falls Road, 540 ft. of c/l of Lakeside Drive
Falls Road Passenger Station
9th Election District, 4th Councilmanic District
Maryland Mass Transit Administration - Petitioner
Case No. 91-278-XA

Dear Board:

Our appeal of the above-referenced case was filed on the 27th of March, 1991. Does the fact that date scheduled for our appeal before you (the 17th of May, 1991) does not fall within the 45 days required by legislation in any way affect the outcome of this appeal?

Our concern continues to be that Benjamin and Rebecca Brookhart are getting this facility crammed unconscionably close to them. Prior to the state's purchase of Mumaw property for the Falls Road Passenger Station, the residents on Railroad Avenue and of the 6100 block of Falls Road enjoyed a great deal of seclusion. Their privacy was protected, buffered by trees and the road's cul de sac. That this privacy is to be exchanged for the traffic, noise and lights of a railway station and parking lot is a rude shock.

In the case of the elderly and in-ill-health Brookharts, this noisy, lit facility is not even going to meet basic Baltimore County setback standards. This has been of great concern to us and it has seemed to us that the state owed them fair-market compensation for causing such a total alteration of (and deterioration in) their health, safety and general welfare.

Their worries about trespassing, litter and crime are not unfounded, not to mention the difficulty of attempting to sleep in the blaze of the busy station, lit 24-hours per day.

Mr. Brookhart has passed on a sketch to me, so that I might forward it to you. He is seeking the relief of an 8-ft. high wooden picket or slat fence (NOT plywood, NOT chainlink) to run approximately 105 ft. along the track at his property line. It would curve at his entrance, giving him a chance to run a chain from it across his driveway, in peak hours in particular. This, he and his wife hope, would suggest to drivers and pedestrians approaching the rail facility that theirs is a residence and that their "privacy" is to be respected.

6219 Falls Road • Baltimore, Maryland • 21209 • (301) 828-4355

The Falls Road Scenic Route Group

Residences and Businesses sharing the Falls Road as it enters Baltimore County

13 May, 1991

Commissioner J. Robert Haines
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Petition for Special Exception and Zoning Variance
E/S Falls Road, 540 ft. of c/l of Lakeside Drive
Falls Road Passenger Station
9th Election District, 4th Councilmanic District
Maryland Mass Transit Administration - Petitioner
Case No. 91-278-XA

Dear Commissioner Haines:

Our appeal of the above-referenced case was filed on the 27th of March, 1991. Does the fact that date scheduled for our appeal before the Baltimore County Board of Appeals (the 17th of May, 1991) does not fall within the 45 days required by legislation in any way affect the outcome of this appeal?

As you know, our concern continues to be that Benjamin and Rebecca Brookhart are getting this facility crammed unconscionably close to them. Prior to the state's purchase of Mumaw property for the Falls Road Passenger Station, the residents on Railroad Avenue and of the 6100 block of Falls Road enjoyed a great deal of seclusion. Their privacy was protected, buffered by trees and the road's cul de sac. You know this personally from your tour, although you never saw the "Before." That this privacy is to be exchanged for the traffic, noise and lights of a railway station and parking lot is a rude shock.

In the case of the elderly and in-ill-health Brookharts, this noisy, lit facility is not even going to meet basic Baltimore County setback standards. You are aware that this has been of great concern to us. It seemed to us that the state owed them fair-market compensation for causing such a total alteration of (and deterioration in) their health, safety and general welfare.

Their worries about trespassing, litter and crime are not unfounded, not to mention the difficulty of attempting to sleep in the blaze of the busy station, lit 24-hours per day.

Mr. Brookhart has passed on a sketch to me, so that I might forward it to you. He is seeking the relief of an 8-ft. high wooden picket or slat fence (NOT plywood, NOT chainlink) to run approximately 105 ft. along the track at his property line. It would curve at his entrance, giving him a chance to run a chain from it across his driveway, in peak hours in particular. This,

6219 Falls Road • Baltimore, Maryland • 21209 • (301) 828-4355

5/1/91 - Following parties notified of hearing set for May 17, 1991 at 12:00 noon

Ms. Sarah F. Lord
Ruxton-Riderwood-Lake Roland
Area Impr. Assoc.
William Hesson, Esquire
Kenneth Goon of
Maryland Mass Transit Administration
Irwin Brown, Esquire
Ms. Louise Hildreth, Pres.
Ruxton-Riderwood-Lake Roland
Impr. Assoc.
Mr. Benjamin Brookhart
Emil Budnitz, Jr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

5/17/91 -Postponed at hearing pending settlement; I. Brown, Esquire to provide Consent Order.

9/24/91 -Letter from I. Brown, Esquire, requesting hearing; settlement not possible. To be reset.

9/30/91 -Letter from I. Brown, Esquire, submitting Stipulation and Agreement of parties to Board for issuance of Order.



300 West Lexington Street
Baltimore, Maryland 21201-3415

September 24, 1991

Mr. William Hackett
Chairman
County Board of Appeals Baltimore County
Baltimore County Office Building, Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-278-XA Falls Road Light Rail Station

Dear Mr. Hackett:

Despite some rather strenuous efforts on the part of the MTA, the parties in the above matter have been unable to reach agreement by way of stipulation on appeal. Your cooperation in setting this matter in on the Board's agenda at the earliest possible time would be appreciated in light of the additional state expenses incurred as a result of this delay.

Very truly yours,

Irwin Brown
Chief Counsel

IB/ra

cc: Ms. Sarah Lord
Mr. Benjamin Brookhart
The Ruxton Riderwood Lake Roland Improvement Association

60-00 42 JES 16



COURIER

300 West Lexington Street
Baltimore, Maryland 21201-3415

September 30, 1991

Mr. William Hackett, Chairman
County Board of Appeals
Baltimore County Office Building, Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-278-XA Falls Road Light Rail Station

Dear Mr. Hackett:

This is to follow up my letter to you of September 24, 1991, regarding the above matter and requesting that it be placed on the Board's agenda as soon as possible. I am pleased to report that the parties have now, in fact, reached agreement as evidenced by the signed stipulation which is enclosed. I have also prepared a proposed order for the Board's consideration now that agreement has been reached.

For the Board's information, the MTA is already in the process of securing approval of the Landscape Planner and the Deputy Director of Planning for submission to the Board in accordance with the terms of the stipulation. Because the Landscape Planner has already reviewed these plans, the MTA expects that this submission will be forthcoming shortly.

A copy of any signed order by the Board would be appreciated.

Very truly yours,

Irwin Brown,
Chief Counsel

IB/ra

55-00 06 JES 16



300 West Lexington Street
Baltimore, Maryland 21201-3415

MASS TRANSIT ADMINISTRATION

October 10, 1991

Mr. William Hackett, Chairman
County Board of Appeals
Baltimore County Office Building, Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-278-XA Falls Road Light Rail Station

Dear Mr. Hackett:

Pursuant to the final order of the Board entered in the above referenced matter on October 2, 1991, I am enclosing a copy of the Falls Road station landscape and fence plan which has been approved by the Deputy Director and the Landscape Planner of the Office of Planning and Zoning. If this plan meets with the approval of the Board in accordance with its order, please advise me of same.

Very truly yours,

Erwin Brown
Chief Counsel

cc: to

Ms. Nancy W. Horst
Mr. Benjamin Brockhart

The Falls Road Scenic Route Group

Residences and Businesses sharing the Falls Road as it enters Baltimore County

J. Robert Haines
Zoning Commissioner, Baltimore County
111 W. Chesapeake Avenue
Towson, Md. 21204

28 February, 1991
Case #91-278-XA

Dear Commissioner Haines,

At the zoning hearing you presided over yesterday, we were very grateful for the chance to shed light on a few of the thorny problems associated with the Falls Road LRT station. I am enclosing copies of the positions taken by our neighborhoods a year and a half ago, as I mistakenly did not spell them out entirely accurately.

Ken Goon's testimony -- that this station "is designed to serve the residential community, and that it is one of what we consider our neighborhood stations" -- is misleading, in our view. Neighborhood stations do not overwhelm the neighborhoods they serve.

Even at 75 spaces, the parking lot is MUCH larger than at any other residential site. Magnet parking lots belong on the beltway. The fact that this cannot be the case on this route, at least not any time soon, should not be reason to overpower our longstanding, ethnically diverse residential communities. By all indications, this facility is being designed as a regional lot, poised to balloon to 150 spaces -- or more. Indeed this DOES adversely affect the health, safety and general welfare of the residents around it.

Our terror is that we are about to be overrun: that the scale of this project will intensify existing traffic problems, burden us with new hazards, necessitate the widening of Falls Road -- in short destroy the viability of our neighborhoods.

The now enormous Falls Road station was initially proposed as "a small park-and-ride or kiss-and-ride" and "a walk-in stop for the Bare Hills community" (MD, FR, p. 1-28).

It turns out that safety, environmental, and zoning standards cannot be met at this site. Variances have been required on all fronts. If zoning variances are granted in this case, then it is our view that the homeowners and residents of the eight dwellings on Railroad Avenue and in the 6100 block of Falls Road deserve fair compensation. A number of them are in ill health, and all of them will have drastically lost value on their houses. A year ago these modest houses enjoyed a great deal of privacy, because they were in a cul de sac (with NO at-grade crossing since 1927) and they were buffered on the south by trees and dense vegetation. The train passed by at 5 mph twice a WEEK during the day. A year from now these residents will be jammed up against station lights and noise, parking lot bustle, illumination, trash and security problems, auto traffic to and from 15% LR trains every 1 1/2 minutes by day, two or three very noisy freight trains each night, and the federal requirement that every train's engineer blast a series of loud warning whistles (designating the letter "G") at the at-grade crossing.

Mr. Brockhart, his wife, his brother and his sister have the added worry of the substation being placed 95 ft. and 160 ft.

6219 Falls Road • Baltimore, Maryland • 21209 • (301) 828-4355

October 25, 1989

Mr. Ronald J. Hartman
Administrator, Mass Transit Administration
300 West Lexington Street
Baltimore, Maryland 21201-3415

Dear Mr. Hartman:

Enclosed are two petitions of some significance.

The first indicates that the residents of Bare Hills and adjacent areas are either 1) in opposition to any station at that location or 2) are in opposition to a station, as currently planned. (Seventy-five spaces, although a reduction, is obviously not acceptable). If one notes the street addresses of those who signed, it is clear that the area is making a nearly unanimous statement.

The second petition concerns the Route 25 bridge and repeats the often quoted position that construction of the system should not begin until a replacement over-head span is completed. In this case safety is the most compelling factor.

With many thanks, I am

Sincerely yours,

Jane S.B. Lawrence

Jane S.B. Lawrence
6137 Barroll Road
Baltimore, Maryland 21209

(Area Resident)

cc: Dennis F. Rasmussen
Barbara Bachur
Melvin G. Mintz
Frank Kelly
Robert Brlich
A. Wade Kach
Ellen R. Saurbrey
Christopher P. West

WE, THE UNDERSIGNED, ARE OPPOSED TO A CCLR TRANSIT STATION IN BARE HILLS.

- 1) A transit stop at the proposed location would intensify the dangerous and congested traffic situation at the Jones Falls - Falls Road - Lake Avenue intersection.
- 2) The number of parking spaces proposed is unacceptably large, creating a regional, not a neighborhood stop. (75 spaces to 163 spaces are examples of figures given to date). The MTA's consultants predict that 85% of the lot would be used by auto traffic not currently traveling Falls Road.
- 3) A station at the proposed location would intensify the pressure to further commercialize the area and to widen adjacent roads. (Lake Avenue and Falls Road). This is contrary to the goals of our community associations.
- 4) The safety of the proposed location is questionable. It is located below the Lake Roland dam and abuts the Jones Falls Flood plain.

PRINTED NAME	ADDRESS	SIGNATURE
TIMOTHY DAVIS	6209 ELEANOR VEEWAY	[Signature]
EMMA G. BRIGHT	1416 GARDMAN AVE	[Signature]
NANCY HARRISON	6215 FALLS RD	[Signature]
WILLIAM H. HARRISON	6215 FALLS RD	[Signature]
JANET C. COHEN	6211 FALLS RD	[Signature]
ROBERT F. COHEN	6211 FALLS RD	[Signature]
CHRISTOPHER J. HARRISON	6215 FALLS RD	[Signature]
SARAH FEMME COHEN	6215 FALLS RD	[Signature]
ELLEN R. SAURBREY	6215 FALLS RD	[Signature]
MARIO VITALE	6215 FALLS RD	[Signature]
BARBARA BACHUR	6215 FALLS RD	[Signature]
ROBERT BRILICH	6215 FALLS RD	[Signature]
B.D. BROCKHART	4 Railroad Ave	[Signature]
W.J. BROCKHART	4 Railroad Ave	[Signature]
WILLIAM H. BROCKHART	4 Railroad Ave	[Signature]
CHRISTOPHER P. WEST	6215 FALLS RD	[Signature]

WE, THE UNDERSIGNED, are opposed to any plans for a "temporary" at-grade crossing at the site of the Rt. 25 Bridge over the Jones Falls. Construction of the Corridor Light Rail should begin only after full completion of the proposed elevated bridge.

PRINTED NAME	ADDRESS	SIGNATURE
WILLIAM H. HARRISON	6215 FALLS RD	[Signature]
TIMOTHY DAVIS	6209 ELEANOR VEEWAY	[Signature]
EMMA G. BRIGHT	1416 GARDMAN AVE	[Signature]
JANET C. COHEN	1400 WILTRUCK RD	[Signature]
ROBERT F. COHEN	1400 WILTRUCK RD	[Signature]
CHRISTOPHER J. HARRISON	1415 GARDMAN AVE	[Signature]
SARAH FEMME COHEN	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1404 WILTRUCK RD	[Signature]
MARIO VITALE	1415 GARDMAN AVE	[Signature]
BARBARA BACHUR	1408 GARDMAN AVE	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[Signature]
W.J. BROCKHART	1402 WILTRUCK RD	[Signature]
WILLIAM H. BROCKHART	1402 WILTRUCK RD	[Signature]
CHRISTOPHER P. WEST	1402 WILTRUCK RD	[Signature]
ELLEN R. SAURBREY	1402 WILTRUCK RD	[Signature]
MARIO VITALE	1402 WILTRUCK RD	[Signature]
BARBARA BACHUR	1402 WILTRUCK RD	[Signature]
ROBERT BRILICH	1402 WILTRUCK RD	[Signature]
B.D. BROCKHART	1402 WILTRUCK RD	[

LANDSCAPE REQUIREMENTS

W.O.M. PLANTING:	1 tree per 40 linear feet trees required trees provided
INTERIOR ROAD PLANTING:	1 tree per 20 linear feet trees required trees provided
EXTERIOR PARKING PLANTING:	1 tree per 40 linear feet trees required trees provided
STORMWATER MANAGEMENT PLANTING:	1 planting unit per 100 linear feet units required units provided

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
SIGNATURE AND CERTIFICATION BLOCK

I certify that this Final Landscape Plan meets all requirements (check where appropriate):

☒ Baltimore County Landscape Manual
☐ Office of Planning Zoning Ord. or Waiver No. 1X-502
☐ Special Exception/Use/Variances No. _____
☐ Rezoning, Documented Site Plan No. _____

Landscape Architect's Signature: _____ L.A.'s Name (please print): _____
Address: _____ City: _____ State: _____ Zip: _____ Phone: _____

Owner's Signature: _____ Date: _____ Owner's Name (please print): _____
Address: _____ City: _____ State: _____ Zip: _____

REVIEWED BY: _____

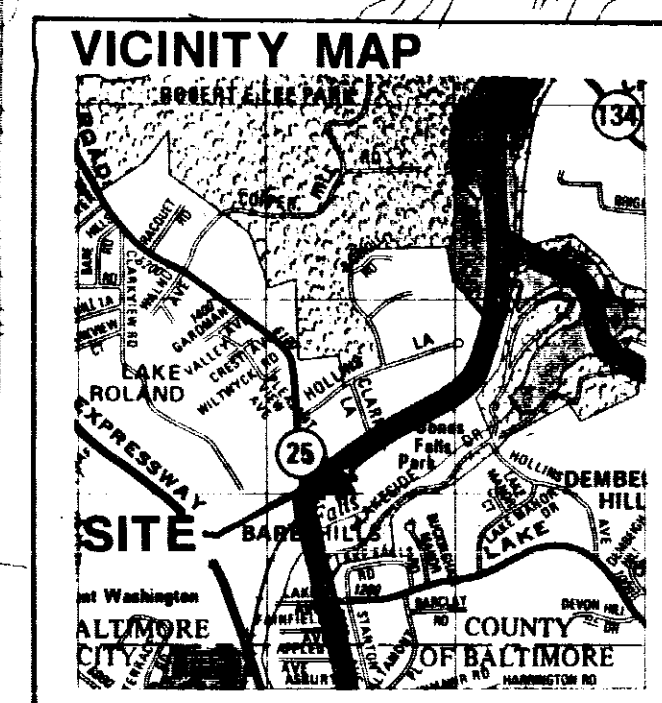
KEY	QTY.	BOTANICAL/COMMON NAME	MULCH: 1425 SQUARE YARDS	SIZE	ROW	COMMENTS	ND	95	24" Ht.	0.10	5' O.C.
AC	10	Acer campestre Hedge Maple	2" Cal.	B & B	matched	20' O.C.					
AR	8	Acer rubrum 'Red Sunset' Red Sunset Maple	2" Cal.	B & B	matched						
NS	5	Nyssa sylvatica Black Gum	1 1/2" Cal.	B & B	matched						
QA	9	Quercus acutissima Sawtooth Oak	2" Cal.	B & B	matched						
SB	5	Salix babylonica Weeping Willow	2" Cal.	B & B							
TD	7	Taxodium distichum Bald Cypress	2" Cal.	B & B							
AM	14	Amelanchier canadensis Serviceberry	7" Ht.	B & B	single stem						
MD	8	Malus x david David Crabapple	7" Ht.	B & B							
MV	17	Magnolia virginiana Sweet Bay Magnolia	6" Ht.	B & B	single stem						
PT	61	Pinus thunbergiana Japanese Black Pine	6" Ht.	B & B							
PV	12	Pinus virginiana Virginia Pine	5" Ht.	B & B							

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION	PARSONS, BRINCKERHOFF QUADE & DOUGLAS, INC MORRISON - KNUDSEN ENGINEERS, INC CONSULTING ENGINEERS	Catherine Mahan & Associates Landscape Architects 900 St. Paul Street Baltimore, Md. 21202 Tel: (301) 576-1214 Fax: 539-5817
---	---	---

1. Standard non-disturbance note:
"There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

2. Protective covenants note:
"Any Forest Buffer shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

10/1/91 - D.F. [Signature]
This plan meets the intent of zoning Ord. 91-278-XA



DESIGNED: KS/SD/TA DATE: 5-22-91
DR: WN APPROVED: TA/SD

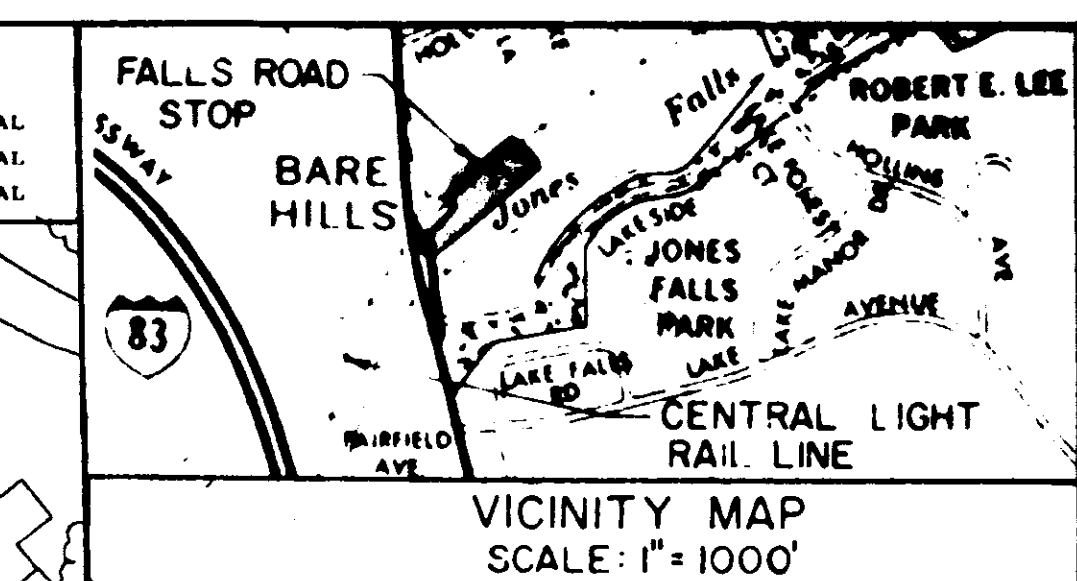
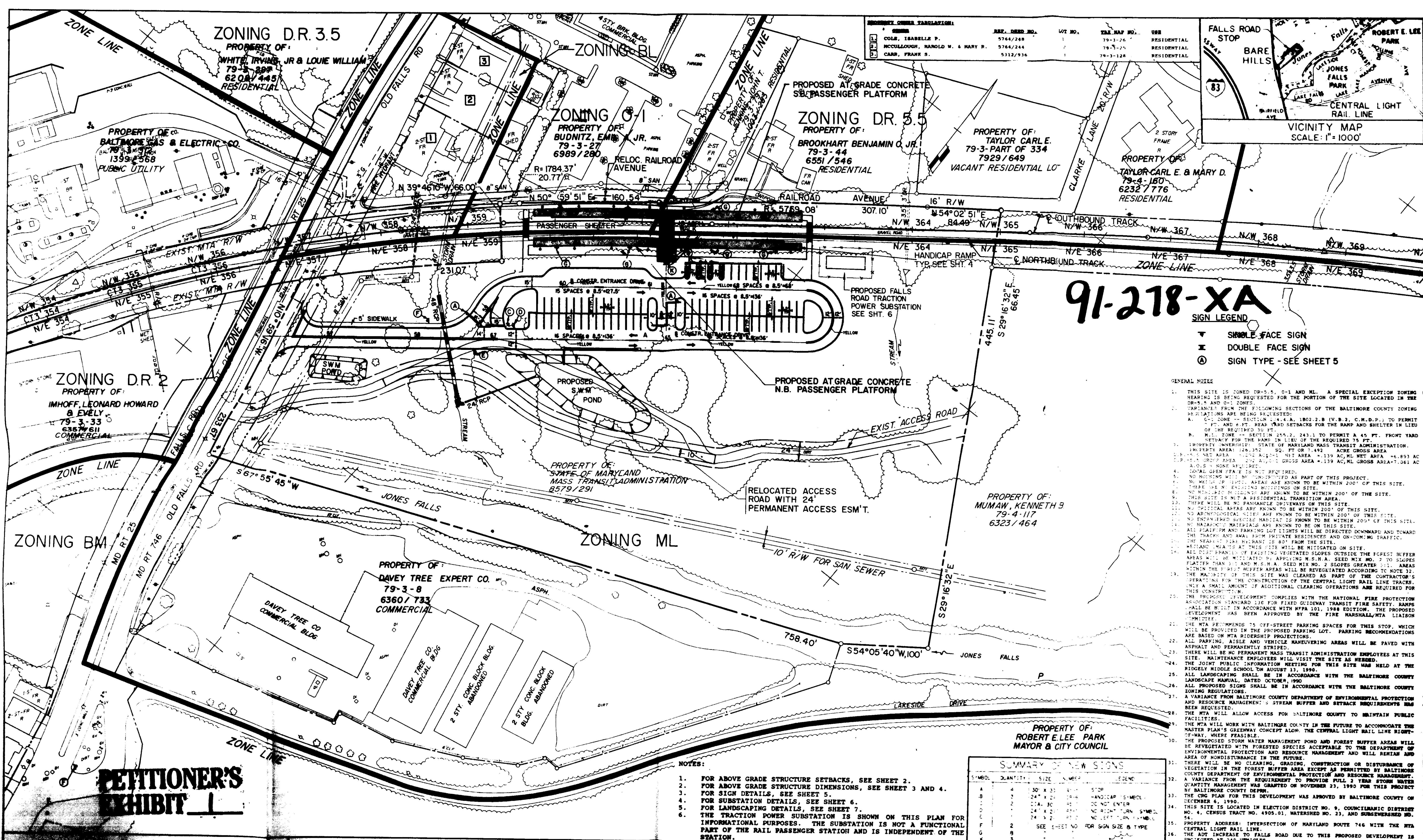
REV. SIZE: ADD N#2
REV. AC PLANT SIZE: ADD 5 STANGE (ADD #1)
EHL 30 7-2-91
6/14/91

CHECKED: LK/ KS APPROVED: DLP

SCALE: 1"=30' 30 0 30 60

DEPUTY DIRECTOR FALLS ROAD STATION LANDSCAPE PLAN & FENCE

CONTRACT NO.: CL34
DRAWING NO.: LC-008-02
SHEET NO.: 24



91-218-XA

- SIGN LEGEND**
- ▼ SINGLE FACE SIGN
 - ⊕ DOUBLE FACE SIGN
 - ⓐ SIGN TYPE - SEE SHEET 5

GENERAL NOTES

1. THIS SITE IS ZONED DR-3.5, O-1 AND ML. A SPECIAL EXCEPTION ZONING HEARING IS BEING REQUESTED FOR THE PORTION OF THE SITE LOCATED IN THE DR-3.5 AND O-1 ZONES.
2. VARIANCES FROM THE FOLLOWING SECTIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS ARE BEING REQUESTED:
3. A. CODE ZONE SECTION 4.4.1, 1802.2.B (V.B.2), C.W.B.P.1 TO PERMIT 4 FT. AND 4 FT. REAR YARD SETBACKS FOR THE RAMP AND SHELTER IN LIEU OF THE REQUIRED 30 FT.
4. B. M.U.Z. ZONE SECTION 254.2, 243.1 TO PERMIT A 45 FT. FRONT YARD SETBACK FOR THE RAMP IN LIEU OF THE REQUIRED 75 FT.
5. PROPERTY OWNERS: STATE OF MARYLAND MASS TRANSIT ADMINISTRATION.
6. PROPERTY AREA: 126,152 SQ. FT. OR 2.89 AC. GROSS AREA.
7. PROJECT AREA: 126,152 SQ. FT. OR 2.89 AC. GROSS AREA.
8. TOTAL OPEN SPACE IS NOT REQUIRED.
9. NO BUILDING WILL BE CONSIDERED AS PART OF THIS PROJECT.
10. THERE ARE NO EXISTING BUILDINGS ON SITE.
11. NO EXISTING BUILDINGS ARE KNOWN TO BE WITHIN 200' OF THIS SITE.
12. THIS SITE IS NOT A RESIDENTIAL TRANSITION AREA.
13. THERE WILL BE NO PANORAMIC VIEWS OF THIS SITE.
14. NO ORIGINAL AREAS ARE KNOWN TO BE WITHIN 200' OF THIS SITE.
15. NO ANTHROPOLOGICAL SITES ARE KNOWN TO BE WITHIN 200' OF THIS SITE.
16. NO UNDESIRABLE DEVELOPMENT IS KNOWN TO BE WITHIN 200' OF THIS SITE.
17. NO HAZARDOUS MATERIALS ARE KNOWN TO BE ON THIS SITE.
18. ALL TRAFFIC ON ANY PARKING LOT LIGHTS WILL BE DIRECTED DOWNWARD AND TOWARD THE TRACKS AND AWAY FROM PRIVATE RESIDENCES AND ON-COMING TRAFFIC.
19. THE YEARLY 100 YEAR FLOOD IS NOT KNOWN TO BE WITHIN 200' OF THIS SITE.
20. ALL DISTURBED AREAS WILL BE REVEGETATED WITHIN 180' FROM THE SITE.
21. AREAS WITHIN 100' OF THE SITE WILL BE REVEGETATED WITHIN 180' FROM THE SITE.
22. ALL DISTURBED AREAS WILL BE REVEGETATED WITHIN 180' FROM THE SITE.
23. THE MAJORITY OF THIS SITE WAS CLEARED AS PART OF THE CONSTRUCTION OF THE TRACKS AND AWAY FROM PRIVATE RESIDENCES AND ON-COMING TRAFFIC.
24. THE YEARLY 100 YEAR FLOOD IS NOT KNOWN TO BE WITHIN 200' OF THIS SITE.
25. ALL DISTURBED AREAS WILL BE REVEGETATED WITHIN 180' FROM THE SITE.
26. AREAS WITHIN 100' OF THE SITE WILL BE REVEGETATED WITHIN 180' FROM THE SITE.
27. ALL DISTURBED AREAS WILL BE REVEGETATED WITHIN 180' FROM THE SITE.
28. THE PROPOSED DEVELOPMENT COMPLIES WITH THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 136 FOR FIXED GUIDEWAY TRANSIT FIRE SAFETY. RAMPS SHALL BE BUILT IN ACCORDANCE WITH NFPA 101, 1998 EDITION. THE PROPOSED DEVELOPMENT HAS BEEN APPROVED BY THE FIRE MARSHALL/MTA LIAISON COMMITTEE.
29. THE MTA RECOMMENDS 75 OFF-STREET PARKING SPACES FOR THIS STOP, WHICH ARE BASED ON MTA RIDERSHIP PROJECTIONS.
30. ALL PARKING, AISLE AND VEHICLE MANEUVERING AREAS WILL BE PAVED WITH ASPHALT AND PERMANENTLY STRIPPED.
31. THERE WILL BE NO PERMANENT MASS TRANSIT ADMINISTRATION EMPLOYEES AT THIS SITE. MAINTENANCE EMPLOYEES WILL VISIT THE SITE AS NEEDED.
32. THE JOINT PUBLIC INFORMATION MEETING FOR THIS SITE WAS HELD AT THE PRIGER MIDDLE SCHOOL ON AUGUST 13, 1990.
33. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, DATED OCTOBER, 1990.
34. ALL PROPOSED SIGNS SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.
35. A VARIANCE FROM BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT: 5 STREAM BUFFER AND STRUCK REQUIREMENTS HAS BEEN REQUESTED.
36. THE MTA WILL ALLOW ACCESS FOR BALTIMORE COUNTY TO MAINTAIN PUBLIC FACILITIES.
37. THE MTA WILL WORK WITH BALTIMORE COUNTY IN THE FUTURE TO ACCOMMODATE THE MASTER PLAN'S GREENWAY CONCEPT ALONG THE CENTRAL LIGHT RAIL LINE RIGHT-OF-WAY, WHERE FEASIBLE.
38. THE PROPOSED STORM WATER MANAGEMENT POND AND FOREST BUFFER AREAS WILL BE REVEGETATED WITH FORBES SPECIES ACCEPTABLE TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND WILL RETAIN AND AREA OF NONDISTURBANCE IN THE FUTURE.
39. THERE WILL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER AREA EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
40. QUANTITY MANAGEMENT WAS GRANTED ON NOVEMBER 23, 1990 FOR THIS PROJECT BY BALTIMORE COUNTY DEPT.
41. THE CMC PLAN FOR THIS DEVELOPMENT WAS APPROVED BY BALTIMORE COUNTY ON DECEMBER 6, 1990.
42. THIS SITE IS LOCATED IN ELECTION DISTRICT NO. 9, COUNCILMANIC DISTRICT NO. 4, CENSUS TRACT NO. 4905.01, WATERSHED NO. 23, AND SUBWATERSHED NO. 54.
43. PROPERTY ADDRESS: INTERSECTION OF MARYLAND ROUTE 746 WITH THE MTA CENTRAL LIGHT RAIL LINE.
44. THE ADT INCREASE TO FALLS ROAD DUE TO THIS PROPOSED DEVELOPMENT IS PROJECTED AT 240 VEHICLES.

- NOTES:**
1. FOR ABOVE GRADE STRUCTURE SETBACKS, SEE SHEET 2.
 2. FOR ABOVE GRADE STRUCTURE DIMENSIONS, SEE SHEET 3 AND 4.
 3. FOR SIGN DETAILS, SEE SHEET 5.
 4. FOR SUBSTATION DETAILS, SEE SHEET 6.
 5. FOR LANDSCAPING DETAILS, SEE SHEET 7.
 6. THE TRACTION POWER SUBSTATION IS SHOWN ON THIS PLAN FOR INFORMATIONAL PURPOSES. THE SUBSTATION IS NOT A FUNCTIONAL PART OF THE RAIL PASSENGER STATION AND IS INDEPENDENT OF THE STATION.

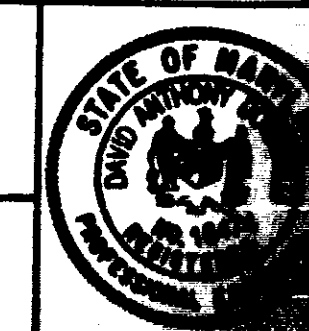
SUMMARY OF NEW SIGNS

SYMBOL	QUANTITY	SIZE	TYPE	LEGEND
A	4	30" X 30"	STOP	
B	2	24" X 30"	HANDICAP SYMBOL	
C	2	24" X 30"	NO LEFT TURN SYMBOL	
D	2	24" X 30"	NO RIGHT TURN SYMBOL	
E	2	24" X 30"	NO U-TURN SYMBOL	
F	2	24" X 30"	NO U-TURN SYMBOL	
G	2	24" X 30"	NO U-TURN SYMBOL	
H	2	24" X 30"	NO U-TURN SYMBOL	

PETITIONER'S EXHIBIT 1

DEPARTMENT OF TRANSPORTATION
ADMINISTRATION
RAIL LINE

PARSONS, BRINCKERHOFF QUADE & DOUGLAS, INC.
MORRISON - KNUDSEN ENGINEERS, INC.
CONSULTING ENGINEERS



DESIGNED	DATE
1-10-91	
DRAWN	APPROVED
D V W	
CHECKED	APPROVED
NO.	DESCRIPTION
BY	DATE
REVISIONS	

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE FALLS ROAD RAIL PASSENGER STATION & TRANSIT FACILITY

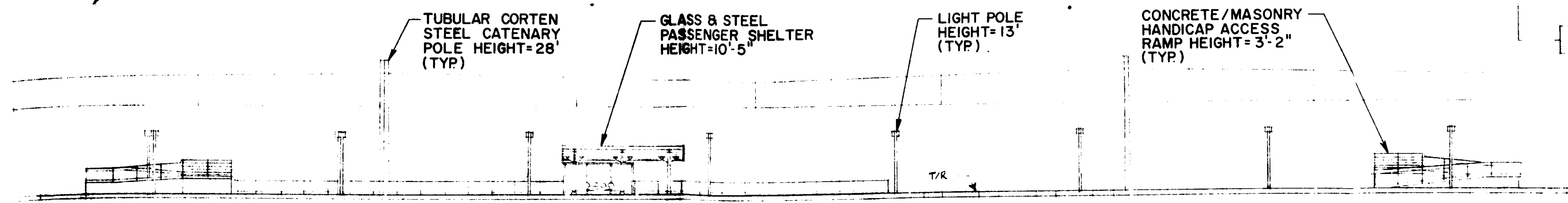
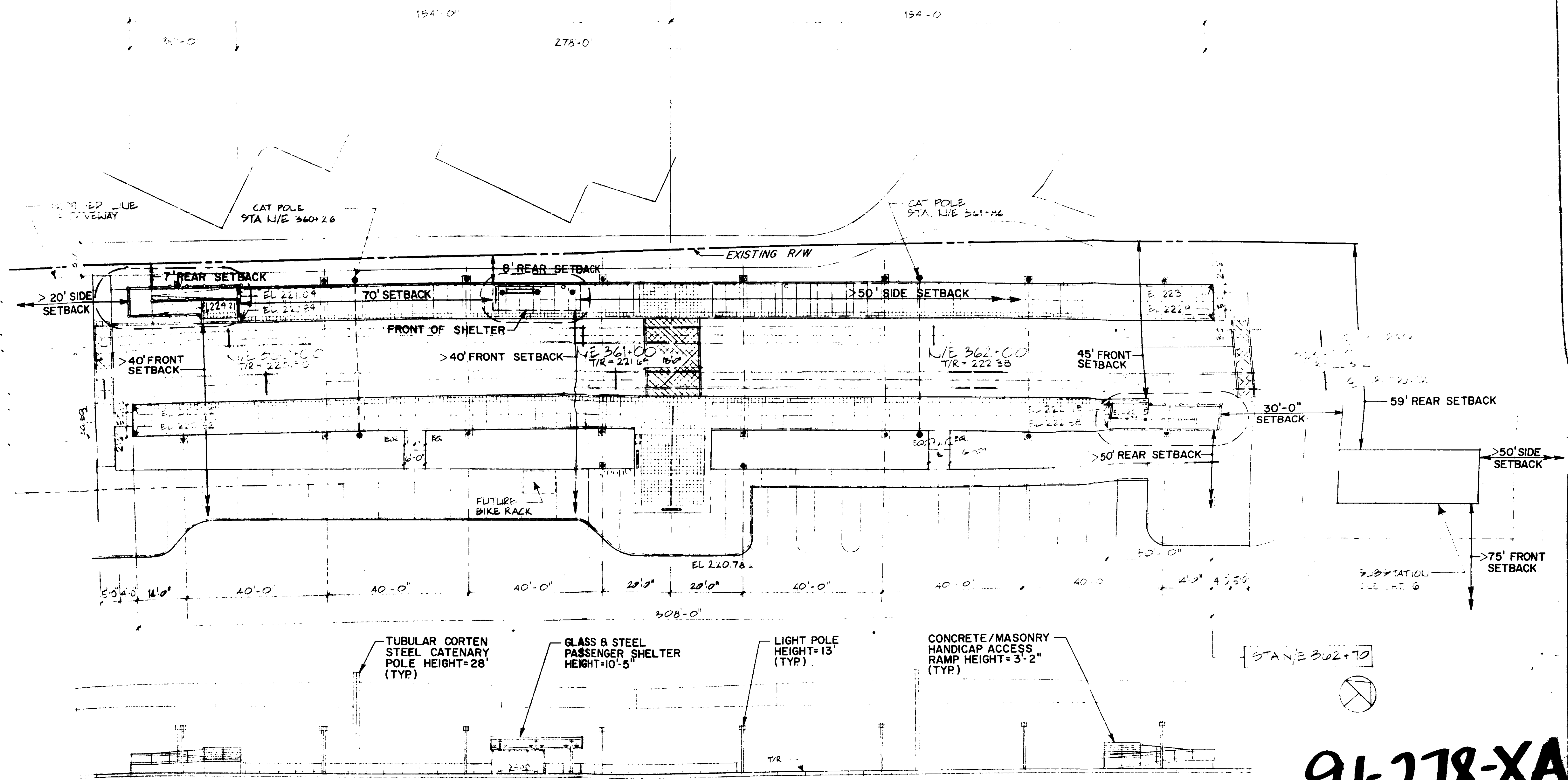
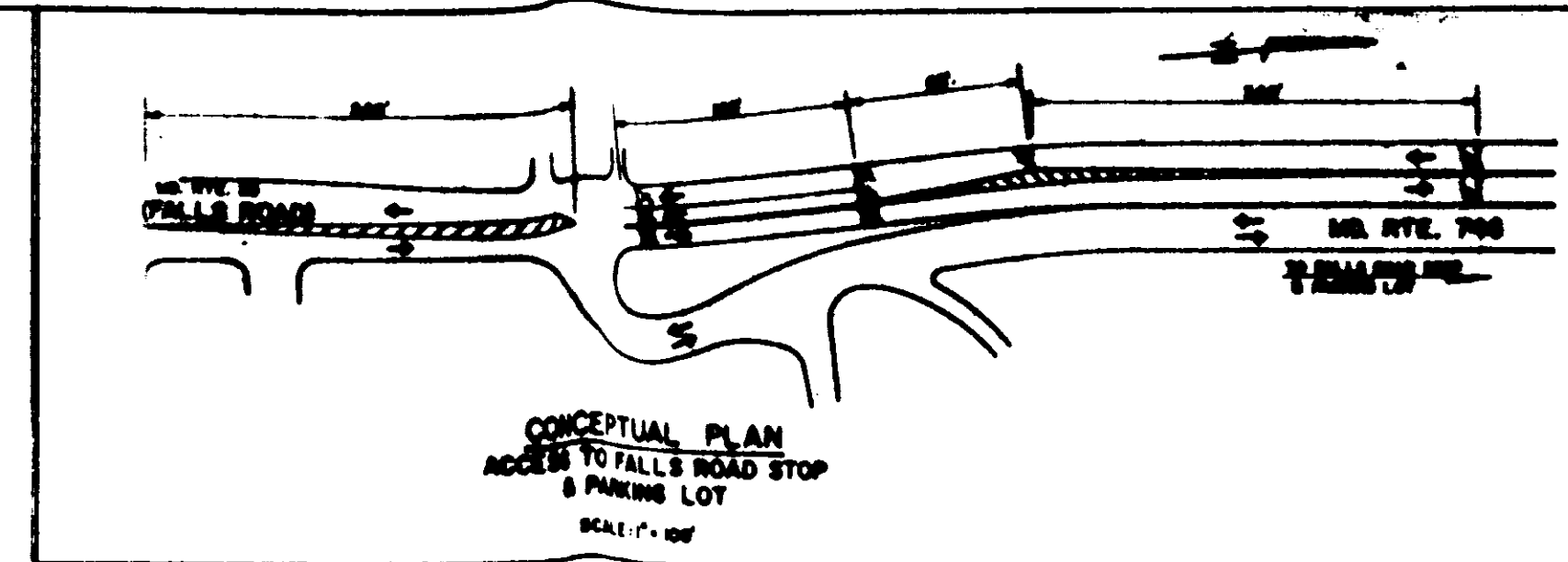
1" = 80' 0" 100' 200'

#276

CURRENT PLANNING CRG NO. IX-562

PUBLIC SERVICES CRG NO. 90359

SHEET NO. 1



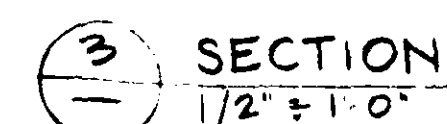
ELEVATION
NTS

**PETITIONER'S
EXHIBIT 2**

- NOTES:
1. ALL SPOT ELEVATIONS ON EXISTING STRUCTURES ARE TO BE VERIFIED IN THE FIELD.
 2. RIGHT-OF-WAY LINES ARE A GRAPHIC PLOT - DO NOT SCALE. SEE SITE PLAN FOR RIGHT-OF-WAY LOCATION.

91-278-XA

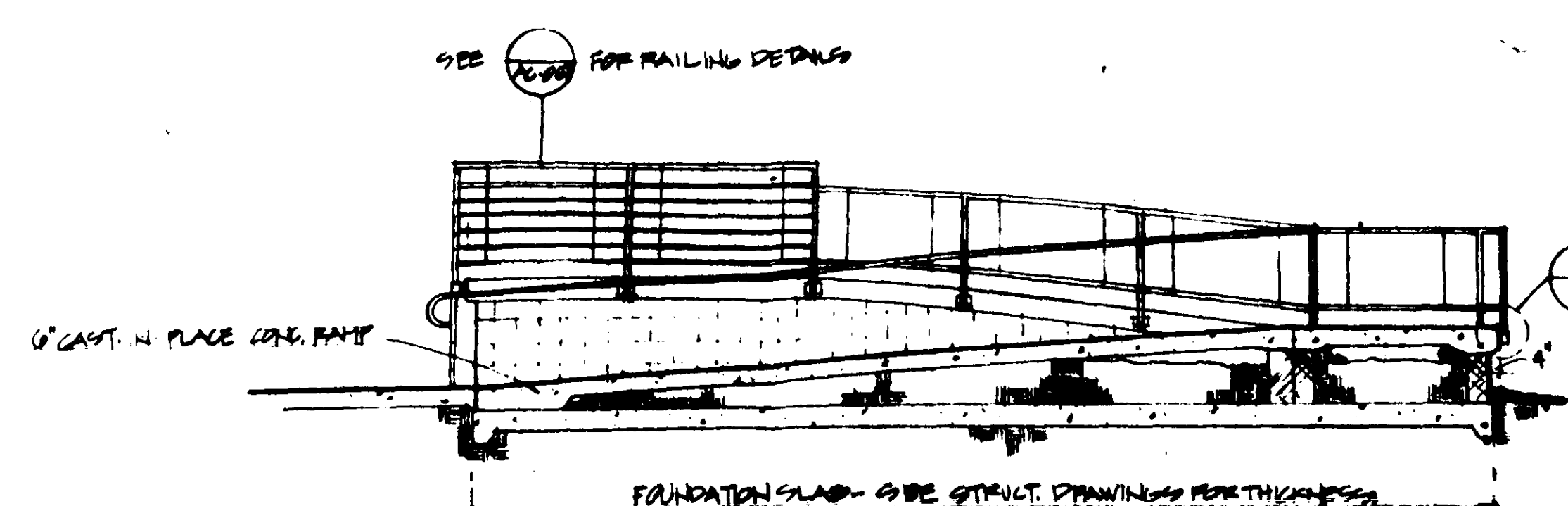
DEPARTMENT OF TRANSPORTATION TRANSIT ADMINISTRATION LIGHT RAIL LINE	PARSONS, BRINCKERHOFF OUADE & DOUGLAS, INC MORRISON - KNUDSEN ENGINEERS, INC CONSULTING ENGINEERS																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--



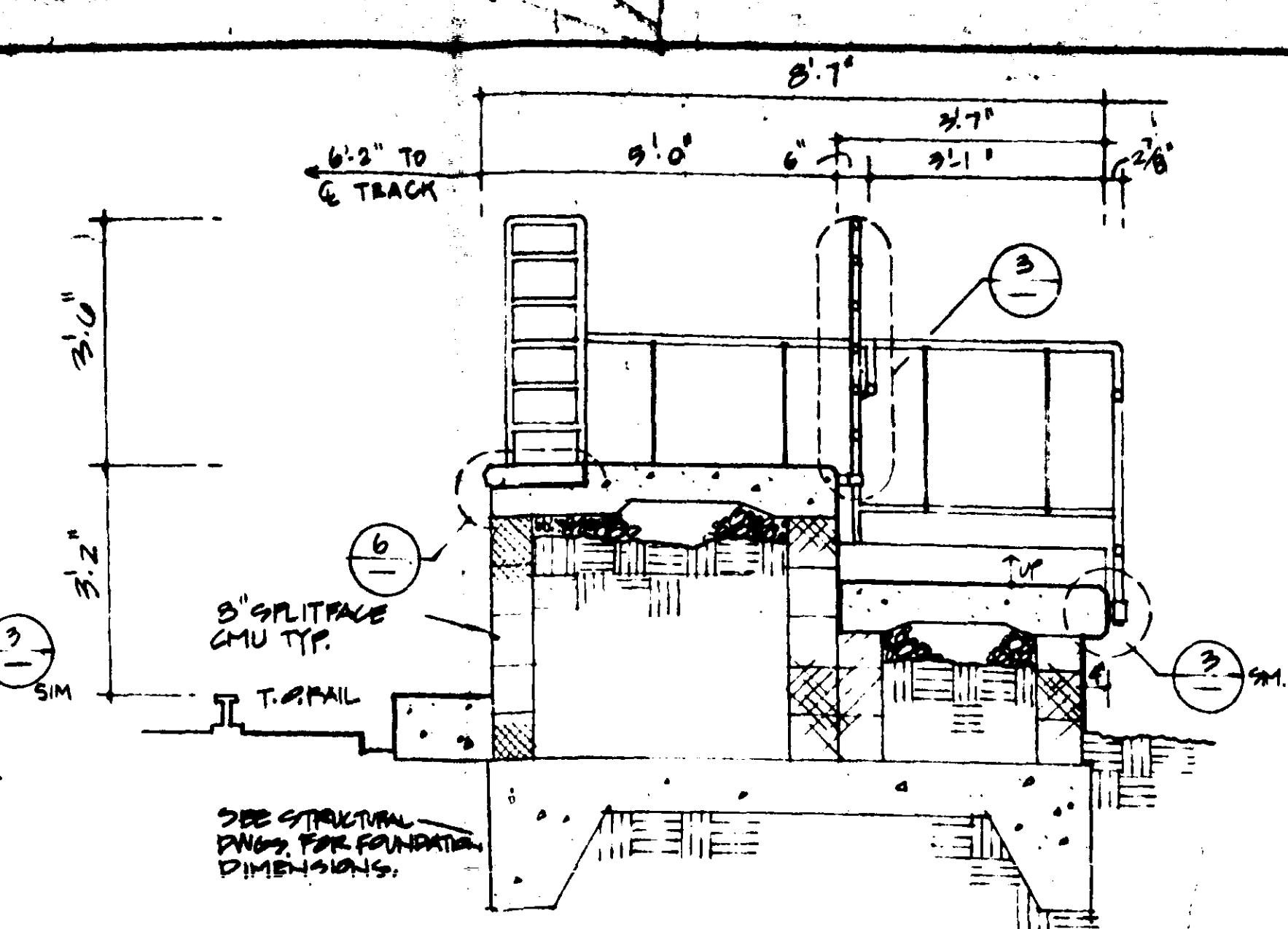
**PETITIONER'S
EXHIBIT 3**

91-278-XA

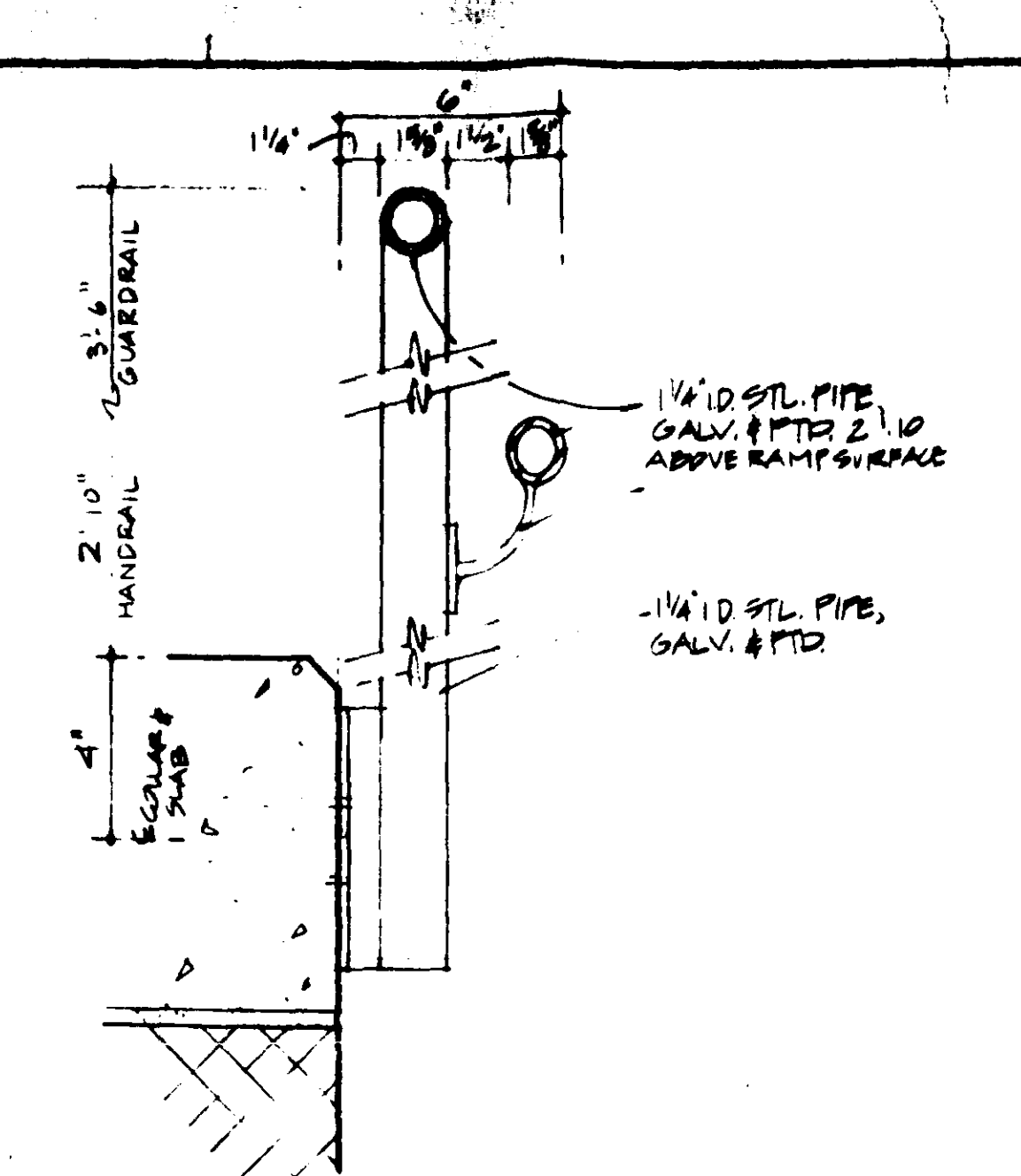
				DESIGNED	DATE	PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE FALLS ROAD RAIL PASSENGER STATION & TRANSIT FACILITY	IX-562 REV. NO. 90359
				JWW	1-10-91		
				DRAWN	APPROVED		
				JWW			
				CHECKED	APPROVED		
NO.	DESCRIPTION	BY	DATE	CHECKED	APPROVED	NOTES	SHEET NO.
	REVISION					AS NOTED	3



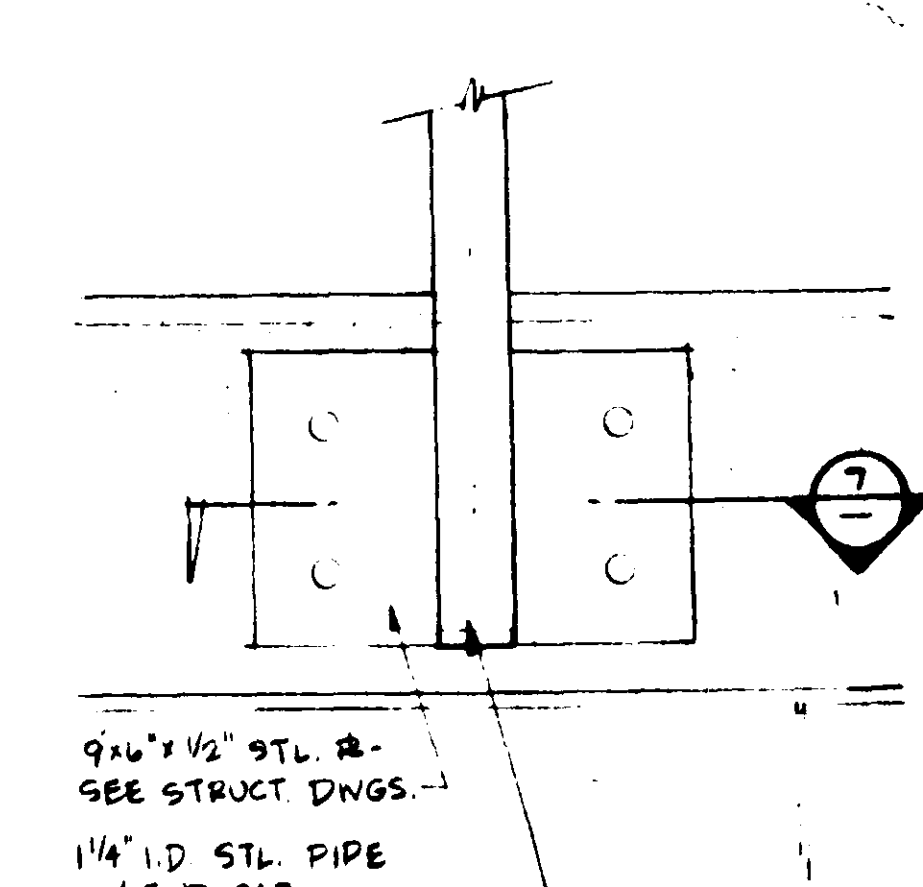
1 LONGITUDINAL SECTION
1/4" = 1'-0"



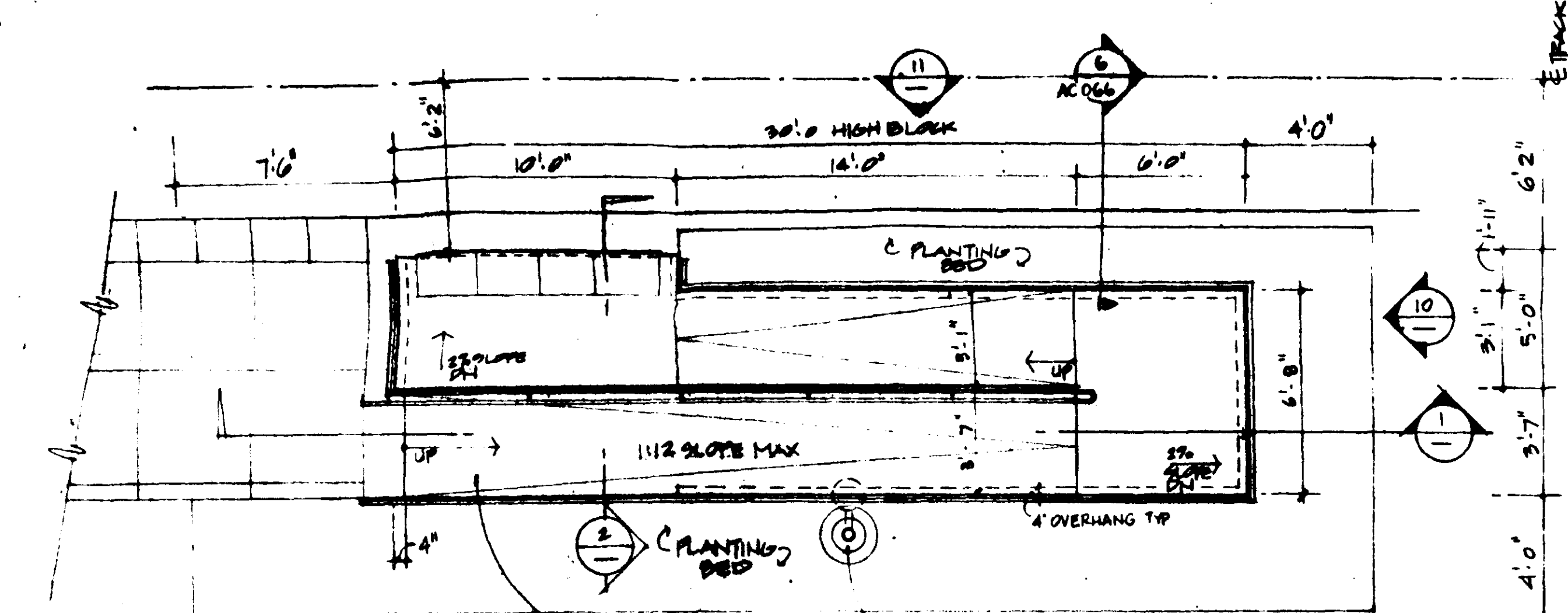
2 SECTION
1/2" = 1'-0"



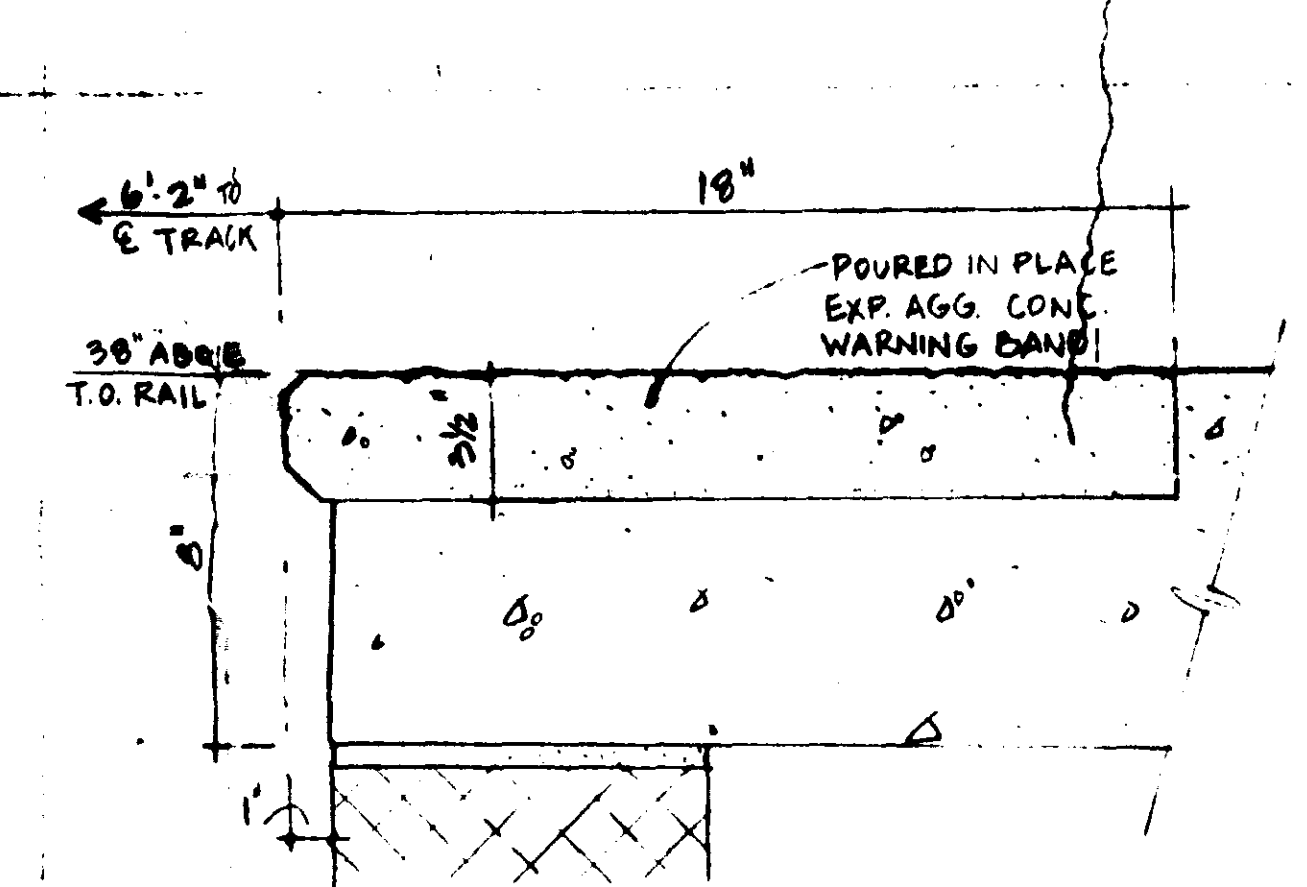
3 RAILING DETAIL
3/8" = 1'-0"



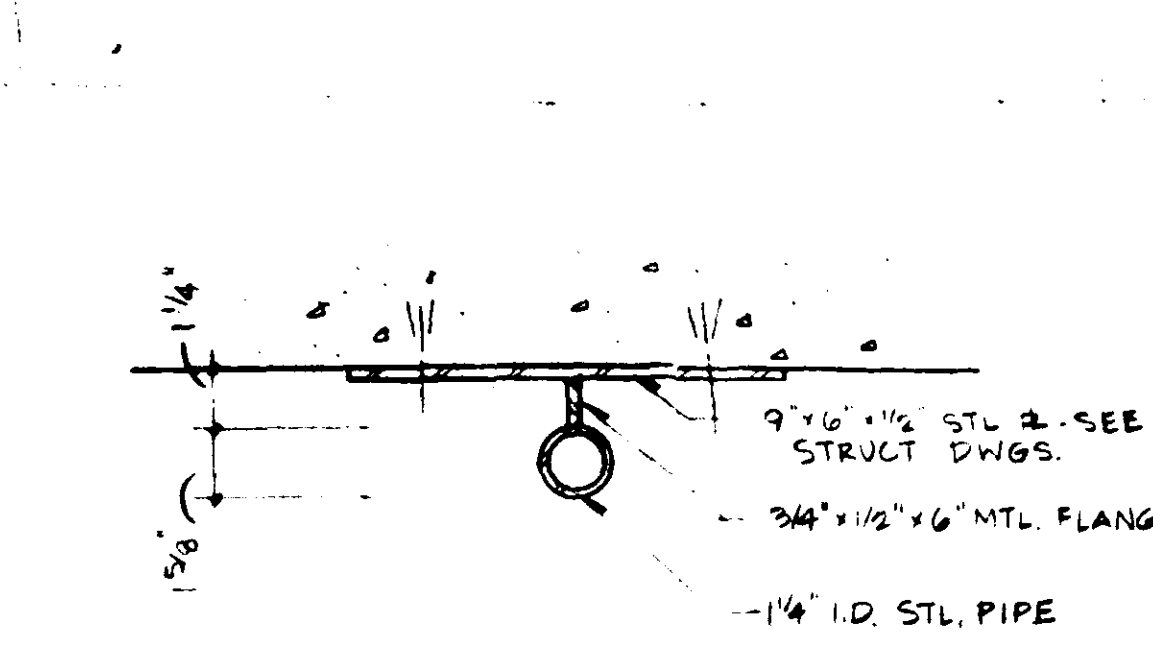
4 ELEVATION OF RAILING
3/8" = 1'-0"



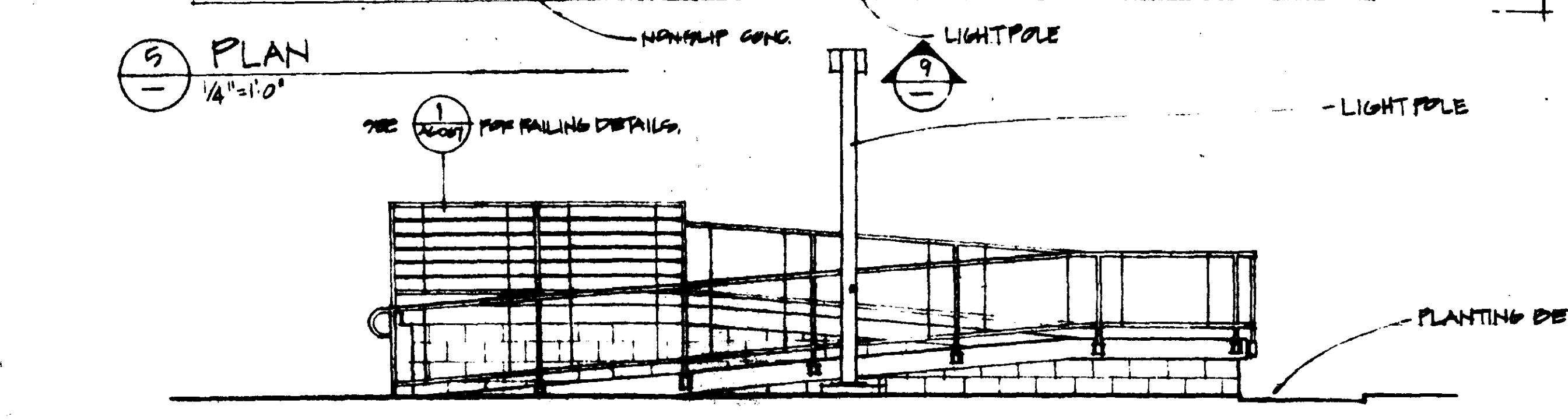
5 PLAN
1/4" = 1'-0"



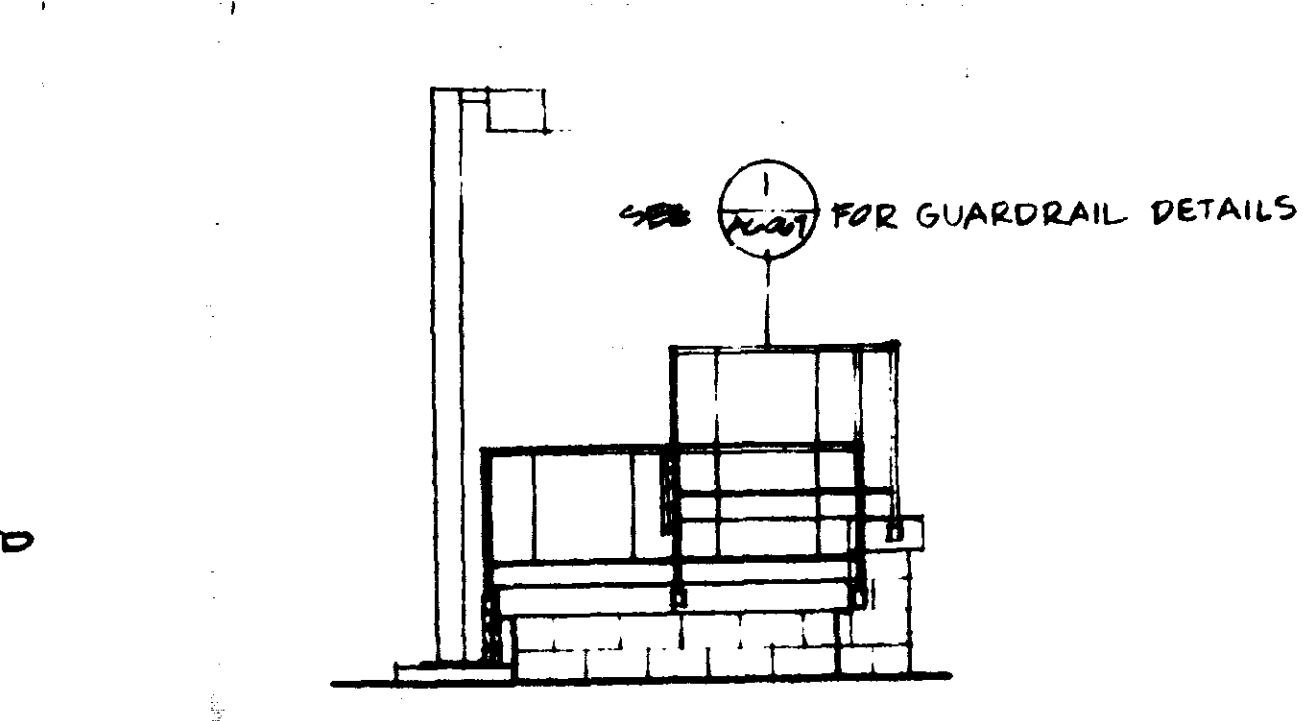
6 PAVER DETAIL
3/8" = 1'-0"



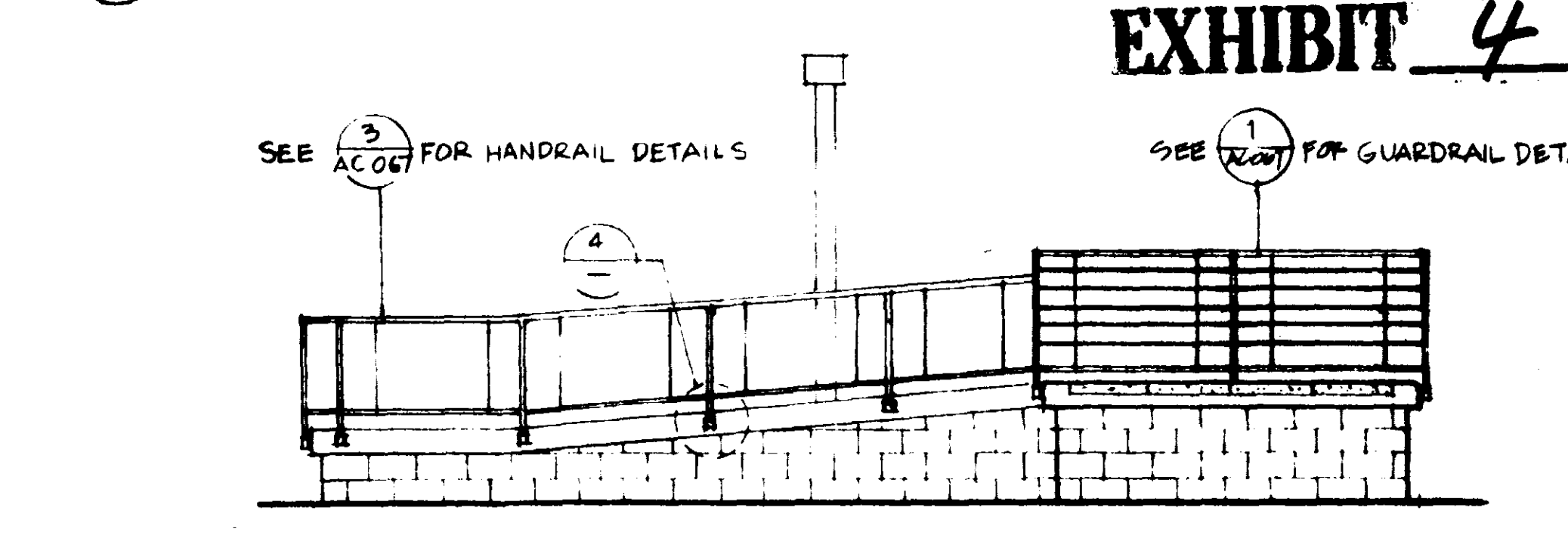
7 PLAN SECTION OF RAILING
3/8" = 1'-0"



8 ELEVATION
1/4" = 1'-0"



9 ELEVATION
1/4" = 1'-0"



11 HIGHBLOCK ELEVATION
1/4" = 1'-0"

91-278-XA

PETITIONER'S EXHIBIT 4

DEPARTMENT OF TRANSPORTATION
ADMINISTRATION

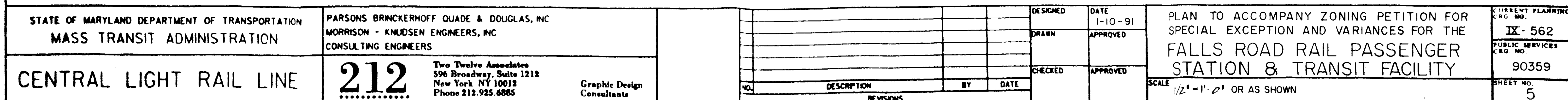
PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC.
CARLSON - KNUDSEN ENGINEERS, INC.
CONSULTING ENGINEERS

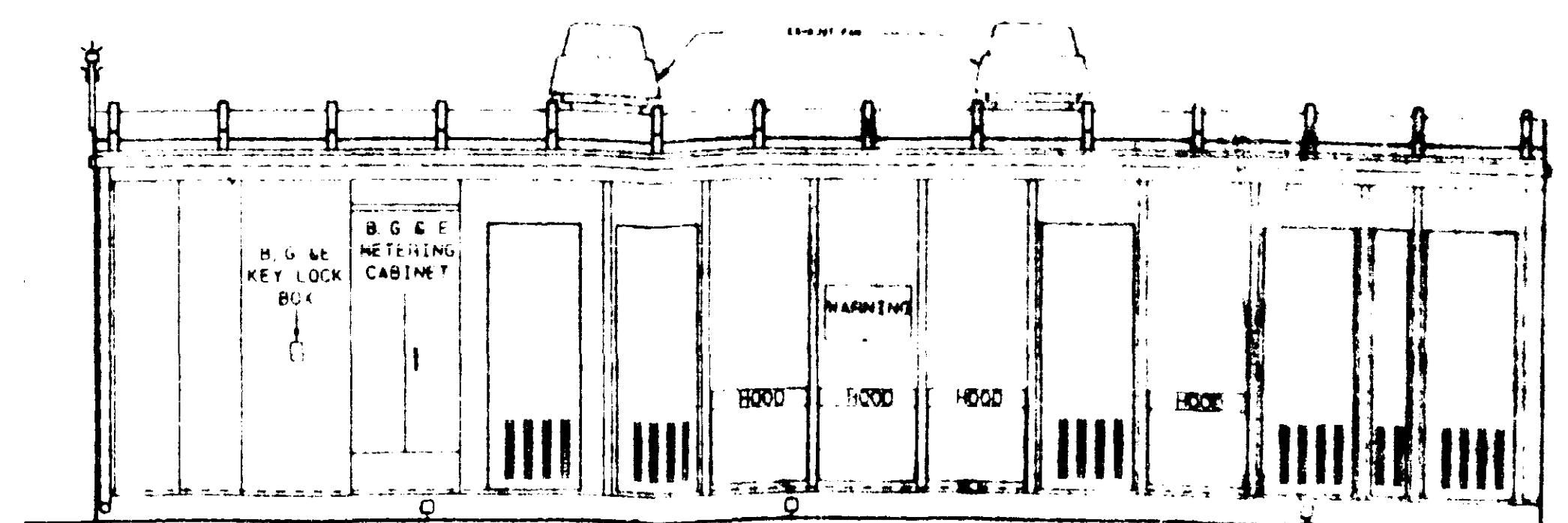
WILLIAM J. BROWN ARCHITECTS, INC.
ARCHITECT

DESIGNED	JWW	DATE	1-10-91
DRAWN	JEM	APPROVED	
CHECKED		APPROVED	
REVISION	BY	DATE	

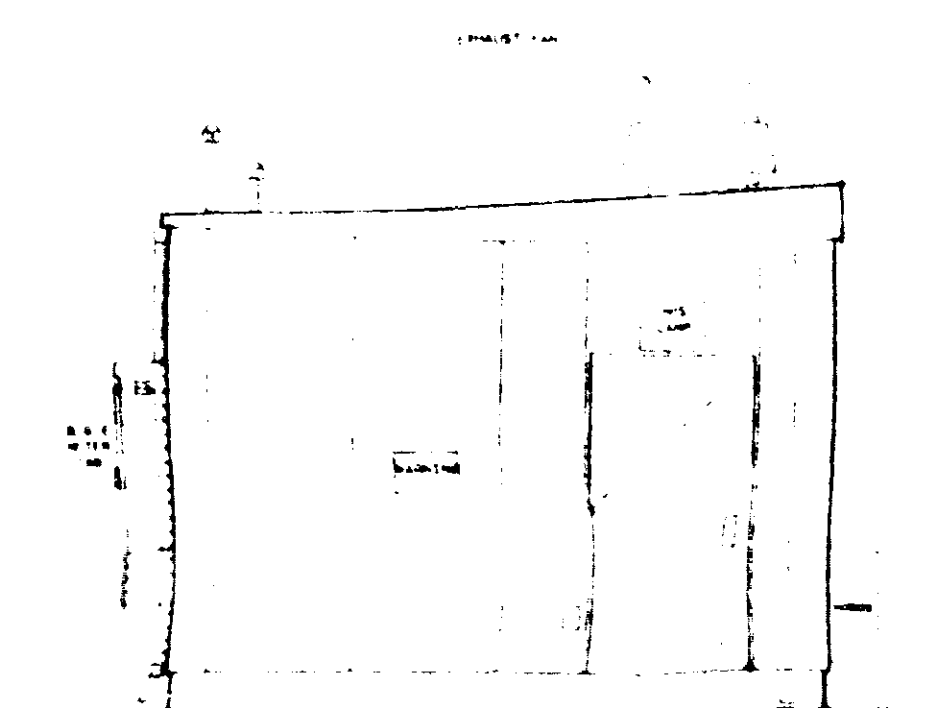
PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE FALLS ROAD RAIL PASSENGER STATION & TRANSIT FACILITY

IX-562
90359
4

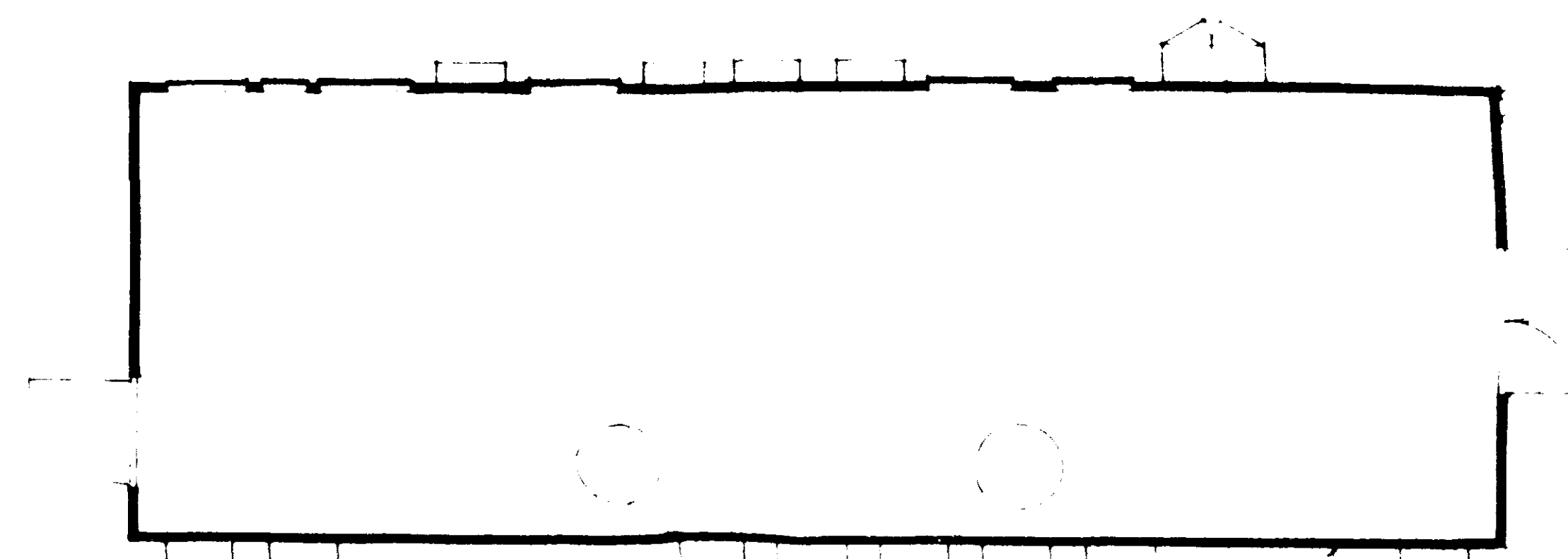




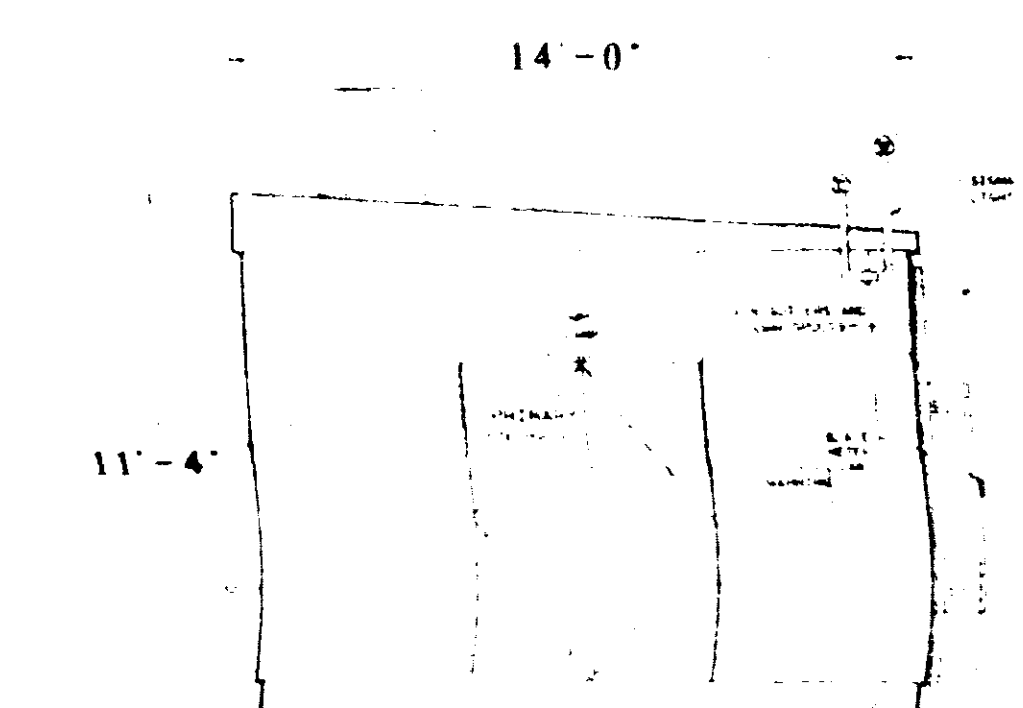
WEST ELEVATION



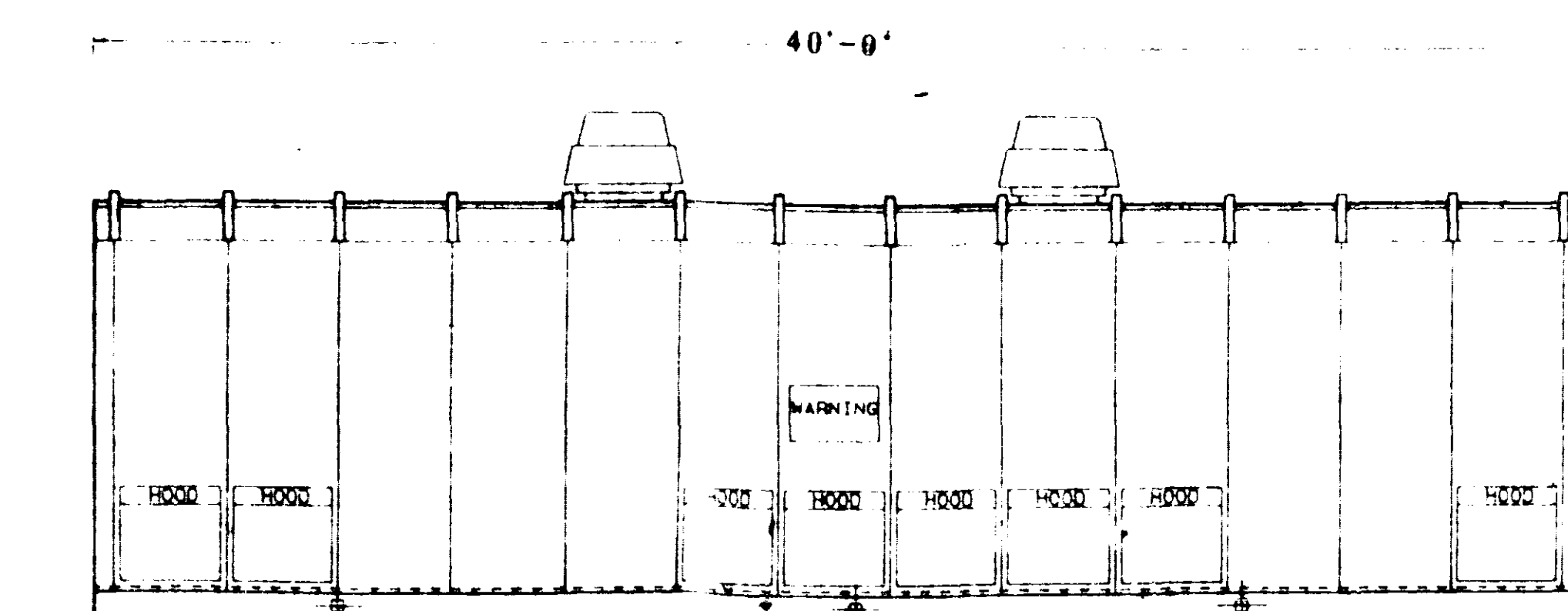
SOUTH ELEVATION



SUBSTATION PLAN



NORTH ELEVATION



EAST ELEVATION

PETITIONER'S
EXHIBIT 6

NOTE:
THE TRACTION POWER SUBSTATION IS SHOWN ON THIS PLAN FOR INFORMATIONAL PURPOSES. THE SUBSTATION IS NOT A FUNCTIONAL PART OF THE RAIL PASSENGER STATION AND IS INDEPENDENT OF THE STATION.

91-278-XA

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION	PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC. MORRISON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS		DESIGNED D.C.C.	DATE 1-10-91	PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCES FOR THE FALLS ROAD RAIL PASSENGER STATION & TRANSIT FACILITY	CURRENT PLANNING ORG NO IX-562
CENTRAL LIGHT RAIL LINE	CHO, WILKS & BENN ARCHITECTS, INC. 218 WEST SARATOGA STREET BALTIMORE, MARYLAND 21201		DRAWN C.W.B.	APPROVED		PUBLIC SERVICES ORG NO 90359
			CHECKED	APPROVED		SHEET NO 6

LANDSCAPE REQUIREMENTS

ROADWAY PLANTING:

1 tree per 40 linear feet
____ trees required
____ trees provided

INTERIOR ROAD PLANTING:

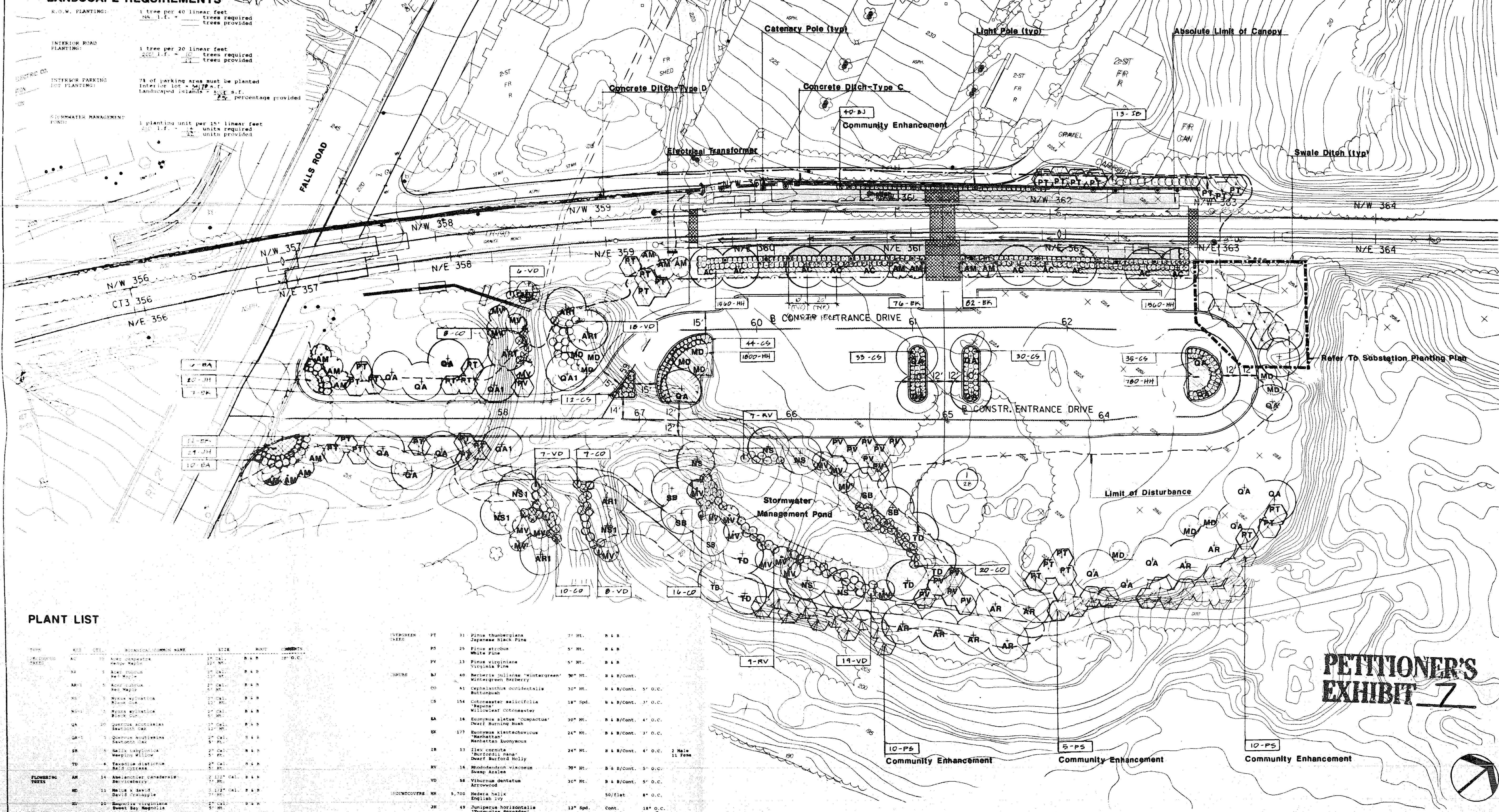
1 tree per 20 linear feet
____ trees required
____ trees provided

INTERIOR PARKING LOT PLANTING:

1/4 of parking Area must be planted
Interior lot = 14,000 s.f.
Landscaped island = 1,000 s.f.
____ percentage provided

SCENIC/TRAFFIC MANAGEMENT PLANTING:

1 planting unit per 15' linear feet
____ units required
____ units provided



TYPE	KEY	STANDARD COMMON NAME	SIZE	WIND	HEIGHT
FLIGHTS TRAFFIC	AL	100 ACAC CARRIER DELTA 600	12' CAL 12' W		12' C
	AL	5 ACAC CARRIER DELTA 600	27' CAL 27' W		
	AM-1	5 ACAC CARRIER DELTA 600	27' CAL 5' W		
	NS	5 WING CARRIER NORTH 50	27' CAL 12' W		
	NS-1	3 NORTHERN CARRIER NORTH 50	27' CAL 3' W		
	UN	20 JETSTAR AIRCRAFT SOUTHERN 100	12' CAL 12' W		
	CA-1	1 JETSTAR AIRCRAFT SOUTHERN 100	27' CAL 27' W		
	SR	5 SAUDI AIRCRAFT SOUTHERN 100	27' CAL 5' W		
	TU	4 TROPICAL AIRCRAFT TROPICAL 100	12' CAL 5' W		
FLIGHTS TRAFFIC	AM	100 AIRCRAFT CARRIER SOUTHERN 100	12' CAL 12' W		
	NO	100 AIRCRAFT SOUTHERN 100	12' CAL 12' W		
	NO	5 AIRCRAFT CARRIER SOUTHERN 100	27' CAL 5' W		

VIVIPEREN TREES	PT	<i>Pinus thunbergiana</i> Japanese Black Pine	7' Ht.	B & B
	PV	<i>Pinus strobus</i> White Pine	5' Ht.	B & B
	PP	<i>Pinus virginiana</i> Virginia Pine	5' Ht.	B & B
	PJ	<i>Pinus rigida</i> "Wintergreen" Wintergreen Balm Tree	30" Ht.	B & C/Cont.
SHRUBS	BJ	<i>Cephaelis occidentalis</i> Butcherbush	30" Ht.	B & C/Cont. 5' O.C.
	CB	<i>Cotoneaster salicifolia</i> "Rejane" Milli-bear Cotoneaster	18" Spd.	B & C/Cont. 3' O.C.
	BA	<i>Kalmia latifolia</i> "Compacta" Dwarf Burning Bush	30" Ht.	B & C/Cont. 4' O.C.
	DK	<i>Koeleria glaucochloa</i> "Mantling" Koeleria	24" Ht.	B & C/Cont. 3' O.C.
	IB	<i>Ilex cornuta</i> "Burfordii" nana Dwarf Burford Holly	24" Ht.	B & C/Cont. 3' O.C.
	RV	<i>Rhododendron viscosum</i> Sweet Alaska	30" Ht.	B & C/Cont. 5' O.C.
	VD	<i>Viburnum dentatum</i> Arrowwood	30" Ht.	B & C/Cont. 5' O.C.
TWOSEEDERS	9.700	<i>Hebe helix</i> English Ivy	50' flat	B* O.C.
	JH	<i>Juniperus horizontalis</i> "Blue Star" English Juniper	12" Spd.	Cont. 18" O.C.

**PETITIONER'S
EXHIBIT 7**

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION		PARSONS, BRINCKERHOFF QUADE & DOUGLAS, INC. MORRISON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS								DESIGNED CMA		DATE 1-10-91		FALLS ROAD Rail Passenger Station								Current Planning CRG No: IX-562							
CENTRAL LIGHT RAIL LINE		Catherine Mahan & Associates Landscape Architects 900 St. Paul Street Baltimore, Md. 21202 Tel: (301) 576-1214 Fax: 539-5817								DRAWN CMA		APPROVED		CRG Landscape Plan								Public Services CRG No: 90359							
										CHECKED MS/LK		APPROVED										SCALE 1"=30'		SHEET NO: 7					
				NO.						DESCRIPTION						BY		DATE											
										REVISIONS																			

Falls Road (Route 746) at subject railroad crossing (see Petitioner's Exhibit No. 1).

Additionally, there was no compelling reason given at the hearing for the excessive height of the light standards proposed for the parking lot and platform area. Therefore, the light standards will be addressed accordingly in the restrictions at the conclusion of this Order.

It is clear that County Council Bill #91-90 permits the proposed use in the subject D.R.5.5 and O-1 zones by special exception. Clearly, the Petitioner's request is contemplated by the Baltimore County Council and Bill #91-90 defines a "Rail Passenger Station" as:

"A facility designed as a place for boarding and alighting from rail passenger vehicles. A rail passenger station may include such facilities as bus bays, parking area or taxicab stands as accessory uses."

The testimony and evidence presented in this matter clearly established that Petitioner's proposal is a "rail passenger station" as that term is used in Bill #91-90. Therefore, it must be determined whether the conditions as delineated by Section 502.1 of the B.C.Z.R. are satisfied by the Petitioner.

The term "special exception" refers to a "grant by a zoning administrative body pursuant to existing provisions of zoning law and subject to certain guides and standards of special use permitted under provisions of existing zoning law." Cadmon v. Nanna, 243 Md. 536, 543 (1966). It is a part of a comprehensive zoning plan, sharing the presumption that it is in the interest of the general welfare and is, therefore, valid. Rockville Fuel and Feed Co. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183 (1970). It is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as

-6-

of right in a particular zone, the condition being that a zoning body must, in each case, decide under specified statutory standards whether presumptive compatibility exists. Creswell v. Baltimore Aviation Service, Inc., 257 Md. 712 (1970). The Baltimore County Council has decided that rail passenger station is a conditionally compatible use in a D.R. 5.5 zone. The issue then becomes whether or not the specific location in this case is consistent with the specific statutory standards in Section 502.1 of the B.C.Z.R. In sum, special exception is a "valid zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses which the legislative body has determined can, prima facie, properly be allowed in a specified use district, absent any fact or circumstance in a particular case which would change this presumptive finding." Rockville Fuel, 257 Md. at 188. (Citing Montgomery County v. Merlands Club, Inc., 202 Md. 279, 287 (1953)).

The burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. rests squarely on the Petitioner. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 Md 1319 (1981). In fact, all of the issues raised about this rail station by the Protestants are the same issues and problems that would concern any residential community about any rail station in any community. The proposed use will not be detrimental to

-7-

the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, as requested.

Additionally, the Petitioner has requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that the Petitioner would suffer a practical difficulty or unreasonable hardship if the variances were not granted. It has been established

-8-

lished that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the Special Exception and Variance relief should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of March, 1991 that a Petition for Special Exception for permission to construct the Falls Road Rail Passenger Station and Transit Facility on the subject site, as indicated on Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Zoning Variance from Sections 204.4.A, 1B02.2.B (V.B.2.,CNDP) to permit at the Falls Road Rail Station a 7 ft. rear yard setback for the southbound highblock (ramp) and an 8 ft. rear yard setback for the shelter in lieu of the required 30 ft. setback in the O-1 zone, as indicated on Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Zoning Variance from Sections 255.2, 243.1 to permit a 45 ft. front yard setback for the northbound highblock (ramp) in lieu of the required 75 ft. setback in the M.L. zone, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this

-9-

ORDER RECEIVED FOR FILING

Date 3/12/91 By J. Robert Haines

ORDER RECEIVED FOR FILING

Date 3/12/91 By J. Robert Haines

ORDER RECEIVED FOR FILING

Date 3/12/91 By J. Robert Haines

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-278-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the Falls Road Rail Passenger Station use area located in the D.R.5.5 and O-1 zones.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Maryland Mass Transit Administration
Signature	Signature
Address	Ronald J. Hartman, Administrator
City and State	Signature
Attorney for Petitioner:	300 W. Lexington Street 333-3885
Irwin Brown	Address
(Type or Print Name)	Baltimore, Maryland 21201-3415
Signature	City and State
300 W. Lexington Street	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Christine A. Wells, Representative
Baltimore, Maryland 21201-3415	300 W. Lexington Street 333-2875
City and State	Address
Attorney's Telephone No.: 333-3315	300 W. Lexington Street 333-2875
	Address

ORDERED BY The Zoning Commissioner of Baltimore County, this 23 day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1991, at 10 o'clock A.M.

S.C.O.-No. 1

(over)

ORDER RECEIVED FOR FILING

Date 3/12/91 By J. Robert Haines

mail anytime - 1 full day

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-278-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204.4A, 1B02.2B (V.B.2.,C.M.D.P.) to permit at the Falls Road Rail Station a 7 foot rear yard setback for the southbound highblock (ramp) and an 8 foot rear yard setback for the shelter in lieu of the required 30 foot setback in the O-1 zone; and from section 255.2, 243.1 to permit a 45 foot front yard setback for the northbound highblock (ramp) in lieu of the required 75 foot setback in the M.L. zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) the proposed highblocks will allow mobility impaired persons to board light rail vehicles. Their locations are fixed for proximity to the front door of the vehicle. It is impossible to meet the required rear setback on the southbound highblock; and frontyard setbacks on the northbound highblock within the MIA right-of-way. Mobility impaired persons would experience unreasonable hardship without highblocks.

The proposed shelter is located on the platform for the use and comfort of passengers. It is impossible to meet the required 30 foot rear yard setback within the MIA right-of-way.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Mass Transit Administration
Signature	Signature
Address	Ronald J. Hartman, Administrator
City and State	Signature
Attorney for Petitioner:	300 W. Lexington Street 333-3885
Irwin Brown	Address
(Type or Print Name)	Baltimore, Maryland 21201-3415
Signature	City and State
300 W. Lexington Street	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Christine A. Wells, Representative
Baltimore, Maryland 21201-3415	300 W. Lexington Street 333-2875
City and State	Address
Attorney's Telephone No.: 333-3315	300 W. Lexington Street 333-2875
	Address

ORDERED BY The Zoning Commissioner of Baltimore County, this 23 day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of March, 1991, at 10 o'clock A.M.

S.C.O.-No. 1

(over)

ORDER RECEIVED FOR FILING

Date 3/12/91 By J. Robert Haines

(over)

Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 15 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Light standards on the proposed parking lot shall have a total height of no greater than 16 ft. and light standards on the proposed platforms no greater than a height of 10 ft.

3. The Petitioner shall prepare a landscape plan to be approved by the Deputy Director of the Office of Planning and Zoning the Baltimore County Landscape Planner. The landscape plan shall include the vegetative buffer/pedestrian barrier along Railroad Avenue property line. The design, precise width and composition of the vegetative buffer should be developed in conjunction with the Landscape Planner and Deputy Director. Minimum specifications of said vegetative buffer shall include those outlined in this Order. The effective height of said vegetative buffer shall be 6 ft. Said plans shall be submitted to the Zoning Commissioner for final approval on or before June 15, 1991.

J. Robert Haines
Zoning Commissioner for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 11, 1991

Irwin Brown, Esquire
300 W. Lexington Street
Baltimore, Maryland 21201-3415

RE: Petitions for Special Exception and Zoning Variance
Case No. 91-278-XA
Mass Transit Administration, Petitioner

Dear Mr. Brown:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3351.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
cc: Protestants